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THE

IOWA JOURNAL

OF

HISTORY AND POLITICS

EDITOR

BENJAMIN F. SHAMBAUGH

VOLUME XVIII

1920

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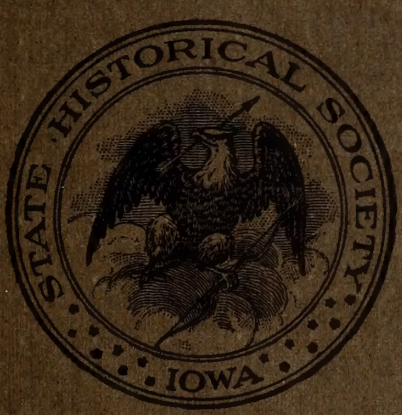
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BENJAMIN F. SHAMBAUGH
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HISTORICAL SURVEY OF THE MILITIA IN IOWA
1865–1898

[This paper covers the period between the Civil War and the Spanish-American War and is a continuation of the *Historical Survey of the Militia in Iowa, 1838–1865,* which appeared in THE IOWA JOURNAL OF HISTORY AND POLITICS for July, 1919. For a discussion of the various meanings of the term militia see the editor's note to the former article.— EDITOR.]

In the history of the Iowa militia the Civil War marks a rather definite dividing line. Before that time there was meaningless and conflicting legislation, loose organization, and an almost complete lack of records. While legislation remained for some time unsatisfactory and organization faulty, nevertheless what there was of either can be determined; for, thanks to the untiring work and insistence of General Baker, there are printed reports of the Adjutant General's office from the year 1861. True it is that the Adjutant General at times reported companies of militia which had passed out of existence; but inaccurate reports are better than no reports, for inaccuracies may be detected.

The period from the Civil War to the Spanish-American War saw the beginning of the National Guard in Iowa and its development into an efficient and effective fighting force capable of taking its place in the first line of the battle troops of the country. This period may be divided into three sections: from the close of the Civil War to 1878; from 1878 to 1892; and from 1892 to the war with Spain.

The first period corresponds in general with the administration of Nathaniel B. Baker as Adjutant General; during most of the second period William L. Alexander was

the occupant of that important office; but in the third no one man stands out with equal prominence.

It seems strange that after each conflict in our history the nation has undergone a reaction against things military — at least popular interest has dwindled. This was the case after the Civil War. The heightened military spirit of war time was followed by a general apathy with regard to military affairs. It was not until late in the century that Congress began to manifest any degree of interest in the militia, and not until 1903 was a comprehensive measure passed which dealt with the situation with any degree of adequacy.

In Iowa conditions were much as in other parts of the country. For over a decade little was done in the way of militia legislation or organization. The law of 1864 and sections of other earlier acts which had not been repealed formed a conglomerate mass of legislation which was, to a large extent, neither understood nor enforced. During these years the Adjutant General was busied, for the most part, with straightening up matters connected with the Civil War, completing rosters of Iowa soldiers, and answering queries as to Iowa men in the service.

War time legislation contemplated the organization of the entire militia of the State — that is, all able-bodied men between the ages of eighteen and forty-five — into companies. Battalions and regiments might be formed at the discretion of the Governor. But the thousand companies of 1865 had dwindled to almost none at the end of the Civil War decade, and general apathy coupled with the fact that the Adjutant General was overworked kept the companies as detached units throughout the first decade. Indeed, it was only in the last year of General Baker's life that any semblance of regimental organization took place.

The period from 1878 to 1892 may be called the formative

period of the National Guard as we have it to-day. An organization was effected, some strides toward efficiency were made, and the militia began to assume shape; but only after the reorganization in 1892, when the Federal government began to take an active interest, did the National Guard approach the standards of a trained military force.

The evolution of the militia throughout this period stands out clearly, although the development was extremely slow. Things agitated for in the sixties and seventies by General Baker came to pass in the nineties. Indeed, practically no development took place which had not been urged by that worthy soldier and statesman.

The story of the militia exhibits a series of trials, errors, and successes — of changes and counter-changes — with a continuous attempt to secure sufficient appropriation to make effective work possible. Not the least interesting chapter of the story is the attitude toward the Guard as an aid to civil authority.

Notwithstanding the fact that little attention was paid to the militia immediately following the Civil War, some interest was manifested by the persons in authority. Governor William Milo Stone, in his first biennial message delivered to the Eleventh General Assembly on January 8, 1866, called the attention of the legislators to the "necessity of immediately erecting a building for the safe-keeping of ordnance stores belonging to the State, and the preservation of our military records."[1] The General Assembly in 1864 had made an appropriation of five thousand dollars for the erection of an arsenal "at or near the City of Des Moines, in which to store and secure the arms, equipments and munitions of war belonging to the State of Iowa, said Arsenal building to be built under the direction of the Ad-

[1] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. III, p. 61.

jutant General of the State." The "necessary and proper grounds" were to be "obtained without expense to the State."[2] But, said the Governor, the "advances in prices so far increased the value of labor and materials beyond the estimate upon which the appropriation was based, that the Adjutant General deemed it advisable to defer the work for the further consideration of the General Assembly."

He continued: "We have now under our control about 18,000 stands of arms and several pieces of artillery besides a large amount of ordnance stores, which can only be preserved from deterioration by having a suitable building in which to place them. In addition to this, the importance of a safe depository for the records of the Adjutant General's office must not be overlooked. These records contain the original rolls and all the documents of various kinds pertaining to the enlistment, service and discharge of Iowa soldiers, the destruction of which would be an irretrievable loss to the State. We now have none but rented buildings for this purpose, costing about $1,000 annually, and without any adequate security against fire. A fire-proof building of sufficient capacity for all these purposes could be erected at a moderate cost, and it should be done without unnecessary delay."[3]

The Eleventh General Assembly responded to the appeal of the Governor and made an appropriation of twenty-five thousand dollars for the erection of a fire-proof arsenal.[4] This Assembly also passed an act providing that "all officers, non-commissioned officers, and privates who have served in the United States service for the period of two years, or more, and have been honorably discharged there-

[2] *Laws of Iowa*, 1864, p. 76.

[3] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. III, pp. 61, 62.

[4] *Laws of Iowa*, 1866, p. 123.

from, be and are hereby exempt from all duty under the military laws of this State" except that in time of public danger they might be called upon by the Governor.[5] This exemption included the majority of those men in the State who would normally have been subject to militia duty. Although it seems only logical that they should have been exempted from such training, their reluctance to serve did much to prevent effective organization of the militia.

In his annual report covering the year 1867 the Adjutant General again brought to the attention of the Governor the need of a revision of the militia law and a reorganization of the militia. Indeed, throughout the period of his service General Baker continually insisted upon the advisability of an adequate militia. He now proposed that a few companies of the militia be organized, that they drill regularly, and be paid for their service. A part of his report reads as follows:

> If a regiment could be organized in each Congressional District, with companies judiciously scattered over the limits of each district, under laws which compelled company-drills for a sufficient number of days that would make the members of the organization skilled in the handling of arms and proficient in company-movements, and a regimental-muster once in each year for regimental-drill and evolutions, we should soon find organizations of which we should be proud, emulation for superiority in the qualities that would make good soldiers, a body of men ready to move effectually and promptly when an emergency demanded, and as before stated in relation to well-drilled companies, the nucleus around which volunteers could rally in case of greatest dangers to the State or nation, and instructors who could educate the new recruits for new regiments.
>
> To do this, the companies should be compelled to drill at least ten days in each year, and the regimental-muster should continue at least three days. The officers should be selected from our experienced veterans of the late war, and officers and soldiers should be armed and equipped by the State, and should be well paid for their

[5] *Laws of Iowa*, 1866, p. 132.

time and services. A tax of one dollar on each voter in the State would pay all the expenses of such organizations, provided the minimum of the companies was fixed at a low rate.

It is useless to urge upon a portion of the people of this State the importance of maintaining an active and efficient militia, and ask them to expend ten or fifteen days each year in that service without compensation. If the State requires a thoroughly-drilled, respectable and efficient militia, it can, in my opinion, only be obtained by proper compensation to the members who compose the organizations. It has been hoped that Congress would have acted in this matter long since, under the provision of the United States Constitution "to provide for organizing, arming and disciplining the militia"; but as the remembrance of our late great danger is gradually becoming only mere history, and no warning to a large number of our people, there is a strong probability that we shall hear no more from Congress until some other danger threatens, and we find ourselves almost as unprepared to act as many of the States were at the beginning of the rebellion — without arms, without equipments, without organizations, and without discipline.

Some will object to the plan I have proposed, on account of its expense, but it is the opinion of many statesmen and soldiers, that if the State militia had been properly organized at the North at the commencement of the rebellion, and larger forces, properly drilled and efficiently armed, and under the command of good officers, could have been moved to the front without such delay as did occur, the rebellion would have been crushed in a very short period, and immense sums of money and rivers of blood would have been saved to the nation.[6]

Immediately after the close of the Civil War, Adjutant General Baker began his efforts to secure the publication of a roster of the Iowa soldiers in that conflict. "I have . . . . prepared an alphabetical list of all the officers and soldiers who served in Iowa Regiments during the late rebellion", he reported in January, 1868. "I have made no distinction between officers and soldiers, merely giving the name, the arm of the service, the company, and the page

[6] *Report of the Adjutant General of Iowa*, 1868, pp. 4, 5.

of the roster of the regiment in which the history of the person is recorded. Maine has published a work like this and the publication of this list would be of great value not only to the soldiers and their families in the State, but to the relatives of our soldiers in all parts of the Union. It would enable any person to find at a glance whether or not any claimant of service in an Iowa Regiment was really such. It would enable those at a distance in other States, who only know that a son or brother or father served in an Iowa Regiment to find out the desired information by mere reference to the book, and if the book was published and distributed in the same way and style as my reports heretofore have been, would enable every county clerk and township clerk to answer a question, in relation to the subject, without correspondence with this Department.''[7]

The arsenal which was authorized to be constructed under the direction of General Baker, G. L. Godfrey, B. F. Allen, and J. W. Cattell[8] was apparently completed during 1867, for General Baker made the following statement in 1868 in his report to the Governor: ''In accordance with your orders, on completion of the Adjutant-General's office building at Des Moines, I removed the records of the office with the quartermaster stores to that place, and on the 15th day of December last opened the office of adjutant-

[7] This may seem out of place because it does not have to do directly with the militia, but when it is remembered that the searching through these records for friends and relatives was for some years one of the important duties of the Adjutant General, and that even to-day a special clerk is maintained for that purpose, its importance in this connection must be recognized. And after all, nothing having to do with the office of Adjutant General can be said to be out of place in a survey of the militia. This statement of the Adjutant General is the beginning of the long continued effort to have published this list of Iowa Civil War soldiers, which finally culminated in the publication of the *Roster and Record of Iowa Soldiers,* by the State in 1911.— *Report of the Adjutant General of Iowa,* 1868, pp. 3, 4.

[8] *Laws of Iowa,* 1866, p. 123.

general in the building provided by the State. The removal and rearrangement of the documents and books of the department have occupied nearly two months."[9] The men in charge of the construction were to report to the next General Assembly making a detailed statement of the expenditures.[10] It was necessary for the Twelfth General Assembly to make appropriations of nine thousand five hundred dollars to complete the building and grounds.[11]

Indeed, the Governor had reported to the General Assembly that the building had cost some $4000 more than the special appropriation made for its erection, although the commissioners had performed their duties faithfully and economically, and constructed the only fire-proof building belonging to the State. He recommended that an additional appropriation be made sufficient to meet this deficiency, and also to put the arsenal and grounds in proper condition. The Governor gave due credit to General Baker and his work as Adjutant General in the statement that "the affairs of this office, from the beginning of the late war to the present time, have been conducted with distinguished ability and have reflected great credit upon the officer in charge."[12]

By an act of March 2, 1867, the word "white" was stricken out of the Federal militia law, thus including negroes among those subject to military duty.[13] Even before this the General Assembly of Iowa had proposed a similar change in the section on the militia in the State Constitution. The resolution by which this amendment was pro-

[9] *Report of the Adjutant General of Iowa*, 1868, p. 9.

[10] *Laws of Iowa*, 1866, p. 123.

[11] *Laws of Iowa*, 1868, p. 141.

[12] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. III, p. 130.

[13] *United States Statutes at Large*, Vol. XIV, p. 423.

posed was approved April 2, 1866. In accordance with the provision for the amendment of the Iowa Constitution, this resolution had to be passed by the next General Assembly in 1868 and approved by a majority of the voters before it became effective. At the general election in 1868, by a vote of 105,515 to 81,050, the electors voted to include persons of color in the militia.[14]

The military staff of the Governor during war times had contained several aids, special aids, and temporary officers. By January 1, 1869, the number had returned to normal. In addition to the Adjutant General, who was also Inspector General and Acting Quartermaster General, with the rank of Brigadier General, there were four special aids-de-camp, ranking as Lieutenant Colonels, and a military secretary ranking as Captain. These five officers were commissioned June 3, 1868. There was no definite term fixed for any of these officers; but Adjutant General Baker — after his appointment by Governor Kirkwood in July, 1861, and January, 1862 — had been reappointed every two years (by Governor Stone in January, 1864, and January, 1866, and by Governor Merrill in 1868) so by custom the term had come to be two years. Each Governor usually picked his own friends for aids, and thus they changed with the administration. Captain William H. Fleming was military secretary for some years.

In his report as Acting Quartermaster General for the year 1868, General Baker reported that a very large portion of the expenses of the Quartermaster General's Department was incurred in securing the arms and equipment belonging to the State, which prior to the war, and more particularly during and since the war, had been scattered along the southern, western, and northwestern borders. He

[14] *Laws of Iowa*, 1866, p. 106, 1868, p. 94; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. III, p. 452.

continued: "A large number of the arms and many of the accoutrements, etc., were lost, stolen, or destroyed, or had been ruined by being stored in cellars and in damp storehouses, without any attention to their repair or care, during the last few years. Many individuals who had years since become responsible for the safe keeping or return of arms, had died — some of them in the service — and many had removed from the State. On some of the returned muskets I have expended, in accordance with law, a considerable amount, for their care and repair. I shall have to complete the collection, and after collection, I think it would be best to dispose of them by sale, public or private, reserving only two or three thousand stand of arms, of best patterns, with accoutrements, for an emergency. The demands of the Militia for arms, under the present law, will not be very extensive."[15]

Again in January, 1870, General Baker reported that the "lack of vitality in our present militia system would indicate that no great amount of expenditure would be needed in the distribution, care, or repair of arms."[16] To save unnecessary expense he sold most of the unserviceable ordnance stores owned by the State thus obviating the necessity for the workshop authorized by the Twelfth General Assembly, and turned $6,665.23 back into the State Treasury.[17]

General Baker reported in 1870 that he had seen no occasion to change his opinion of the militia and the militia law of the State, and repeated the statements he had made in 1867 and 1868. "I know that some will urge against any militia organization," added Mr. Baker, "that we have veteran officers and soldiers among us who would be ready,

[15] *Report of the Adjutant General of Iowa*, 1869, p. 6.

[16] *Report of the Adjutant General of Iowa*, 1870, p. 36.

[17] *Report of the Adjutant General of Iowa*, 1870, p. 38.

in an emergency, to organize, drill, and prepare for the field, volunteers who might be called for. There is where a great mistake would be found. The tactics have changed, rules and regulations have been altered, and one of our veteran officers or soldiers would have now about as much to learn as many did at the commencement of the late rebellion. Besides the lack of knowledge, the need of practice would be evident, if we 'called for' volunteers to-day, among the best of the veterans which Iowa ever furnished. We could furnish as good and brave men as ever faced an enemy, but drill and discipline and practice would be wanting." [18]

The chief duties of the Adjutant General continued to be connected with Civil War affairs. According to General Baker, "The principal business of the Adjutant-General's office proper during the past year has been like several preceding ones, answering the inquiries of officials and late officers and soldiers of the volunteer service, or their representatives, or heirs, or their agents, relative to enlistment, muster, credit, discharge, absences, etc., of soldiers. There has also been a great demand for certificates of service, where discharges have been lost. A large portion of one clerk's time has been occupied in entering on the roster the location of the graves of the dead in Iowa regiments who have been re-interred in national cemeteries. This has required an examination of about five thousand printed pages furnished by the United States." Again General Baker stressed the importance of preserving the records and made the following recommendation: "Some of the correspondence and records of this Department made at an early stage of the late war should be copied, in order that they may be preserved. Many of the rosters of regiments should either be re-copied or re-bound. The constant use of some of the volumes for eight or nine years has much

[18] *Report of the Adjutant General of Iowa*, 1870, p. 41.

worn the binding and considerably defaced the record."[19]

From 1864 to 1878 interest in the militia was at a low ebb and there is no militia legislation of any importance. True, a "bill for an act to reduce the military establishment of the State to a peace footing" was reported by the Committee on Military Affairs in the House of Representatives in 1870 as being "prejudicial to the interests of the State" and it was recommended that the bill be not passed.[20] But this was in effect mainly a refusal to set the seal of approval upon an accomplished fact.

The Code Commissioners of 1873, when preparing the *Code of 1873* included twenty sections in the title on militia. These were compiled mainly from the law of the Tenth General Assembly enacted in 1864. Two sections were from the *Revision of 1860* and two from the *Acts of the Eleventh General Assembly* — one abolishing the office of Assistant Adjutant General,[21] and one exempting Civil War veterans. In accordance with the amendment to the Constitution, the word "white" was omitted from the section specifying who should compose the militia. As an evidence of the lack of interest in the militia at this time witness the fact that title VIII of the *Code of 1873,* relating to the militia, is the only one which was not amended by the General Assembly after it was reported by the Code Commissioners.[22] In 1874 and 1876 bills were introduced in the General Assembly to better provide for the organization and establishment of the State militia, and to make appropriations therefor; but they were adversely reported by the committee and did not pass.[23]

[19] *Report of the Adjutant General of Iowa,* 1870, p. 41.

[20] *House Journal,* 1870, pp. 94, 495.

[21] *Laws of Iowa,* 1866, p. 42.

[22] *House Journal* (Adjourned Session), 1873, pp. 221, 288.

[23] *House Journal,* 1874, p. 506, 1876, p. 102.

That few new companies of militia were being organized at this time is evidenced by the small number of arms issued during the period. In 1868 the arms scattered throughout the State were for the most part what had been issued to border companies during the Civil War, and included six cannon, one hundred ninety-four Austrian rifled muskets, two hundred eighty-seven Garibaldi rifled muskets, one hundred forty French rifled muskets, five hundred seventy Enfield rifled muskets, six Prussian rifled muskets, one thousand and ninety United States muskets, sixty-four Prussian muskets, and two hundred eleven rifles of sundry patterns, and some sixty-six thousand two hundred forty cartridges. In the way of accoutrements there were at this time, cones, screw-drivers, wipers, vises, ball screws, tumbler punches, tompions, cartridge boxes and plates, cartridge box belts and plates, waist belts and plates, cap pouches and picks, bayonet scabbards, and gun slings.[24]

Forty Enfield rifled muskets were issued in 1869 to Captain F. Olmsted of Des Moines for the use of the Zouaves of that city. In 1870 these were exchanged for Springfield breech-loading rifles, and eighty rifles were issued to the State Agricultural College Company.[25] In 1871 rifles were furnished to some seven companies,[26] in 1872 to six more companies,[27] in 1873 to eight companies,[28] and in 1874 to eight companies.[29] In 1875 there were issued to new companies five hundred forty Springfield rifles and seven hundred Enfields, and to old companies seventy-two Springfields.[30] In 1877, five hundred forty-four Springfields and

[24] *Report of the Adjutant General of Iowa,* 1869, p. 18.

[25] *Report of the Adjutant General of Iowa,* 1870, p. 44, 1871, pp. 8. 9.

[26] *Report of the Adjutant General of Iowa,* 1872, p. 6, 1874, p. 13.

[27] *Report of the Adjutant General of Iowa,* 1873, p. 10.

[28] *Report of the Adjutant General of Iowa,* 1874, p. 13.

[29] *Report of the Adjutant General of Iowa,* 1875, p. 13.

[30] *Report of the Adjutant General of Iowa,* 1876, pp. 20, 21.

five hundred seventy-six Enfields were issued, in exchange for which sixty-one Springfields and four hundred sixty-eight Enfields were returned by companies who had held them.[31]

Adjutant General Baker continued his efforts for a better militia. In 1872 he wrote: "I have expressed my views in relation to our present Militia System in my reports of 1867, 1868, and 1870. It is needless for me to repeat them now. I firmly believe that the State should have a better militia law, and a well organized military force. Neglect in this matter will repeat, in the future, the history of the past, not only in relation to this State, but as regards the whole nation." He called attention to the need for modern arms to arm the militia, and again explained the desirability of publishing the Civil War records.[32]

In the report of the Adjutant General rendered under date of January 1, 1873, a roster of the organized militia companies then in existence is included for the first time. The majority of them had been organized during the year or two preceding the report. There were at this time some nineteen separate independent organizations in various parts of the State. Since this is the first list given since the Civil War, it may be said to mark the beginning of the organized militia of the period. The names of the companies, their location, and arms were as follows:

Name of Company	Location	Arms
Olmsted Zouaves	Des Moines, Polk County	Springfield B. L. rifles
Vinton Zouaves	Vinton, Benton County	Springfield B. L. rifles
Lawler Battery	Lawler, Chickasaw County	1 6-pounder cannon

[31] *Report of the Adjutant General of Iowa*, 1877, p. 53.

[32] *Report of the Adjutant General of Iowa*, 1872, p. 18.

Name of Company	Location	Arms
McGregor Artillery	McGregor, Clayton County	1 6-pounder cannon
Clinton Artillery	Clinton, Clinton County	1 6-pounder cannon
Battery A, Cresco Artillery	Cresco, Howard County	1 6-pounder cannon
Baker Light Horse Cavalry	Iowa City, Johnson County	Spencer carbines
Council Bluffs Light Artillery	Council Bluffs, Pottawattamie County	1 6-pounder cannon
Iowa College Company	Grinnell, Poweshiek County	Springfield B. L. rifles and 1 12-pounder cannon
Iowa State Agricultural College Company	Ames, Story County	Enfield rifles, Springfield B. L. rifles, and 1 12-pounder cannon
Fort Dodge Battery	Fort Dodge, Webster County	1 12-pounder cannon
Keosauqua Artillery	Keosauqua, Van Buren County	1 12-pounder cannon
Crocker Veteran Guards	Des Moines, Polk County	Springfield B. L. rifles
Pocahontas Rifles	Rolfe, Pocahontas County	Enfield rifles
Burlington Guards	Burlington, Des Moines County	Springfield B. L. rifles
Humboldt County Rifles	Rutland, Humboldt County	Enfield rifles
Panora Zouaves	Panora, Guthrie County	Enfield rifles
Anamosa Artillery	Anamosa, Jones County	1 12-pounder cannon
Keokuk Veteran Guards	Keokuk, Lee County	Springfield B. L. rifles[33]

In 1874 some eleven additional independent companies were reported. The various villages in Howard County

[33] *Report of the Adjutant General of Iowa*, 1873, pp. 7, 8.

had coöperated in the formation of the Howard County Regiment. Company A was located at Cresco, Company B at Lime Springs, Company C at Florenceville, Company F at Busti, Company G at Howard Center, Company H at Riceville, Company I at Pond Valley, and Company K at Chester. Each company had a Captain, First Lieutenant, and Second Lieutenant. Regimental headquarters were at Cresco, and the regimental officers were Colonel, Lieutenant Colonel, Major, Adjutant, Quartermaster, and Surgeon. This was the only organized regiment at this time, and constituted the first regimental organization attempted since the Civil War.

It was during 1873 that the State militia was called out for the first time to preserve the public peace. On the morning of Monday, November 17, 1873, Governor Cyrus C. Carpenter received a telegram from some of the most prominent men in Council Bluffs, stating that a prize fight was to be staged in that vicinity the following day, that several hundred "roughs" had congregated in that city and Omaha to witness the fight, and that the civil authorities were powerless to stop it. The Governor was requested to send a military force "to prevent the disgrace to the State and their city." To this request Governor Carpenter replied that if the sheriff informed him officially of his inability to execute the law, aid would be forthcoming. This the sheriff did, and Governor Carpenter issued orders to the Adjutant General to forward a military company to Council Bluffs. This company was to report to, and be under the orders of, the sheriff of Pottawattamie County.

General Baker quickly got together detachments of the Olmsted Zouaves and the Crocker Veteran Guards, enough to form a company, placed them under command of Colonel Olmsted, and arranged for their transportation that after-

noon to Council Bluffs over the Rock Island Railway. The men, fully armed and equipped, were ready to move at three o'clock P. M. In a report made later to the Adjutant General, Colonel Olmsted gave the following account of his difficulties:

> We went, as I understand it now, to Council Bluffs, to stop the Allen-Hogan prize fight. You assured me of the support of the best men in Council Bluffs. You and I thought from the telegrams of the sheriff to the Governor, endorsed by some of the best men of Council Bluffs, that the civil authorities of Pottawattamie county could not maintain order.
>
> You told me that the Governor would never have sent forward troops like those under my command, many of them veterans of the late war, unless he was satisfied by the sheriff's requisition and the endorsement of Judge Baldwin and other prominent citizens of Council Bluffs, that the force was necessary.
>
> We had the offer of aid from Capt. C. E. Provost, of the Council Bluffs artillery, but while you ordered them under my command, if necessary, I did not need them and declined his prompt offer.
>
> We were ready for duty at about half-past ten A. M., on the 18th of November, subject to the order of the sheriff of Pottawattamie county, when the train arrived from Omaha, loaded in my opinion with "roughs," and men who wished to see the Allen-Hogan fight. The sheriff should have taken possession of that train and all the paraphernalia of the fight, but he did nothing. He could have arrested, in my opinion, participators in the fight at any rate, and there were evidences enough for him to do that, but he was not backed by the moral influence or the good advice of a single man who induced the Governor to order you to send forward my command. He was therefore weak and wavering. He would do nothing, and I then telegraphed to you; and I had to send a mile to a telegraph station, for the railroad telegraph office was closed.[34]

The telegram read: "Trains now loading with roughs bound for the fight. Sheriff Dougherty does not wish to take the responsibility of following them. What shall I do? Answer immediately." This message, it was thought, was

[34] *Report of the Adjutant General of Iowa*, 1874, pp. 26, 27.

held until the train had left. General Baker, when he received it, telegraphed Colonel Olmsted to "Do nothing outside of orders of sheriff." This was in accordance with the order of Governor Carpenter the day before. "But upon reading this dispatch", says the Governor, "I saw that the matter had taken a turn not anticipated when I made the order, and I therefore without hesitation wrote a dispatch telling Colonel Olmsted 'to prevent the fight without regard to sheriff or anybody else,' and sent my private secretary to the telegraph office with it, in order to be sure that it was sent without delay. Upon his arriving at the office, however, he found that the train had reached its destination near Pacific City, in Mills County, and that the fight was over. The cause of the failure to prevent this lawless encounter was not in any lack of discipline, or of readiness to obey orders on the part of the military company, but it grew in part out of the sheriff's confusion as to the law and the 'overt act' owing to the difference of opinion which he heard among lawyers."[35]

Almost immediately the sheriff dismissed the military forces, and they returned to Des Moines. Adjutant General Baker reported:

> Col. Olmsted and the officers and men of the Olmsted Zouaves, and Capt. Davis and his officers and men of the Crocker Veteran Guards, performed their whole duty promptly. I wish I could say as much of certain officials and citizens of Pottawattamie county.
>
> Officers and soldiers called out on such occasions should be paid at higher rates than now provided by law. Most of the men called out on such emergencies come from the workshops, and offices, in towns where efficient companies are maintained, and in nearly every case the private does not receive one-fifth of the amount he would have been paid had he remained at his usual labor.

Governor Carpenter also mentioned the pay of the militia

[35] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. IV, pp. 44, 45.

in his message to the General Assembly. "An increase of compensation", he declared, "seems to be advisable in case of those who may be called on for active duty . . . To be required to quit one's business, perhaps on peremptory notice, in order to do military duty for the protection of community, ought to command better pay than 44 cents a day and subsistence. Active militia under our law obtain no immunities by reason of service, as in some other States where a term of years in a military company exempts from jury duty and poll-tax; hence the more reason for a better compensation for active service."[36]

The *Code of 1873* had left the laws relating to the militia in confusion. The section relating to the duties of the Quartermaster General as to the care and preservation of arms was included, and expenses were directed to be paid by the Adjutant General; but the law which had given authority to the Adjutant General to obtain money from the State for this purpose was not included in the Code and hence was repealed. "I am," said the Adjutant General, "ordered to perform certain duties, and deprived of the means to enable me to obey." The law also prescribed that the Adjutant General should perform the duties of Paymaster General; but those duties were not defined, and no provision was made for paying troops, should occasion arise. Then, too, the revised laws had been so carelessly arranged that the Governor was deprived of the four aids who had formed his staff, but retained the four special aids. As a result, the Governor's staff for a few years was a curious mixture of aids and special aids.

In 1874 the Adjutant General again appealed for more clerical help and authorization to copy the Civil War rec-

[36] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. IV, p. 44.

ords, and, if possible, to publish them. With regard to appropriations for expenses he wrote:

> I have been notified by the City of Des Moines to build a side-walk on the north side of the arsenal. I have no money to expend for that purpose. But it does appear to me that the State should make an appropriation sufficient to comply with the laws, and particularly so, when the City of Des Moines gave to the State one-quarter of a block on which the offices of the Adjutant-General of the State and the arsenal were erected. I think that an appropriation should be made, so that a good stone side-walk could be constructed on the north and east side of the quarter block. Such a side-walk will be the cheapest and best when all matters are considered.
>
> In the seven years' use of the arsenal floor, it has been much worn and injured and there is need of its repair. It should now be floored with good oak plank. I ask that you will recommend a sufficient appropriation to meet the expenses of proper repairs.[37]

Governor Carpenter called the attention of the law-making body to this report of the Adjutant General in the following words: "The militia law of the State needs revision. The present statute, enacted originally in a time of war, contemplated a thorough organization of the entire militia. The occasion that called forth such an enactment having passed away, there is now no disposition to enforce its stringent provisions. Hereupon I ask, for the suggestions of the Adjutant-General, whose attention has unavoidably been drawn to the inadequacy of the present law, the careful consideration of the General Assembly . . . . The code making no provision for the expenses of the quartermaster department of the State, I recommend the passage of a statute similar to the former one upon the subject, or a permanent appropriation therefor. I also suggest an enlarged allowance to this officer for clerk-hire. I would

[37] *Report of the Adjutant General of Iowa*, 1874, pp. 37, 38.

commend to your attention other recommendations of the Adjutant-General in relation to his office." [38]

The Fifteenth General Assembly appropriated one thousand dollars for clerk-hire in the Adjutant General's office for the biennium, and a like amount for the expenses of the Quartermaster's office.[39]

There seems to have been an increased interest in militia companies at this time and new organizations sprang up all over the State. Between January 1, 1875, and January 1, 1876, twenty-seven new companies were organized and armed. In 1876, also, there is listed for the first time the University Battalion of the State University, composed of six companies armed by the United States. The Adjutant General reported at this time that he was unable to furnish arms to the companies of the Howard County Regiment.

In his report for 1876, the Adjutant General repeated his recommendations and suggestions of former years. Because no heed had been paid to them by the General Assembly, they continued to be pertinent. "At the last session", he reported to the Governor, "the General Assembly in effect and result gave this office $500 per year for Quartermaster expenses and $500 for Adjutant General's clerk. These offices cannot be managed with any such allowances. There should be in the Adjutant General's office a good clerk with a salary of $1200 per year, and the appropriation for Quartermaster General's office should be restored to the old law prior to the Code. I lost my old and experienced clerk, Maj. Bourne, in 1874, by the legislation above referred to. An Adjutant General and Quartermaster General must have good and experienced clerks at all times in their offices, and particularly so on all days of celebration,

[38] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. IV, pp. 43, 44.

[39] *Laws of Iowa*, 1874 (Private, Local, and Temporary), p. 65.

association, &c., and when large numbers desire to examine records, flags, trophies, &c."

General Baker found the lack of a seal for his office embarrassing at times. During 1874 and 1875 his clerks issued from four to five hundred certificates to soldiers who had lost their discharges. "In some cases," he said, "a fastidious U. S. Land Officer has sent back certificates for my seal to be attached. I have no seal. I therefore had to procure the certificate of the Secretary of State, under the seal of the State, that the Adjutant-General of the State had no seal. . . .

"Some states have allowed their Adjutant-Generals to charge fees for certificates to soldiers. I have received many sums as fees for certificates, but they have always been returned. I did not deem it proper for me to receive the same, and no law of the State authorized me to accept the same, and I trust the State of Iowa will never allow any public officer to receive in any way a fee for any paper, document or certificate showing the service of an Iowa soldier. The State can well afford to pay her public officers a proper compensation without accepting from the poor private a little pittance to fill up a salary."[40]

It was the conviction of General Baker that more encouragement should be given to the newly organized militia companies and he expressed this opinion in the following words:

> It seems hardly just, while Title VIII of the Code is the law of the State, to compel the organization of companies and at the same time make no provision for their transportation, armories, drill rooms and other contingencies. The number of company organizations in this State will be found in prior pages. Many of these companies will compare favorably with those of any State, but the best companies have taken care of their arms, uniformed themselves, provided armories and drill rooms, and paid their own expenses,

[40] *Report of the Adjutant General of Iowa*, 1876, p. 46.

and nearly all by their own exertions and contributions. I hope the next General Assembly will appropriate to each well organized, drilled and disciplined company five hundred dollars per annum towards the payment of these expenses. It would be only justice and would encourage all the best companies in the State. Some of them must disband unless some aid is extended.

I further recommend that there be a sufficient appropriation made to purchase for each well organized company in the State from five to ten copies of Upton's Tactics.[41]

The Governor approved these suggestions of the Adjutant General and urged action by the legislature. He also suggested that it "would reduce expense, and at the same time bring out this report [of the Adjutant General] in time for the use of the General Assembly, which is the chief object of its issuance, if the law should be so amended as to require it to be made biennially." The General Assembly responded with a slight increase in the amount allowed to the Adjutant General for clerk hire.[42] Provision was also made for a change in the date of the report of the Adjutant General. Instead of January 1st of each year, it was now to be "on or before the first day of November preceding each regular session of the general assembly."[43]

The report to the Governor dated January 1, 1876, was the last one to be made by General Baker. On the morning of September 13, 1876, after long suffering, Nathaniel Bradley Baker, for over fifteen years Adjutant General of Iowa, entered the great unknown. Undoubtedly his labors for the public and his entire forgetfulness of self hastened the end. The story of General Baker for the years 1861–1876 is the story of the Iowa troops. Appointed in July, 1861, by Governor Kirkwood because of his great executive abil-

[41] *Report of the Adjutant General of Iowa,* 1876, p. 25.

[42] Shambaugh's *Messages and Proclamations of the Governors of Iowa,* Vol. IV, p. 128; *Laws of Iowa,* 1876, p. 132.

[43] *Laws of Iowa,* 1876, p. 154.

ity, he made manifest his peculiar fitness for the place, and he was continued in office under Governors Stone, Merrill, and Carpenter, and again under Governor Kirkwood. Iowa was one of the leaders in the race among western States in "prompt organization and response to all calls of the Nation for troops, and in the correctness of detail and record, none surpassed the work of General Baker".[44]

The great lasting monument to the work of General Baker is the complete record of the Iowa soldiers in the Civil War, kept under his direction and containing practically everything concerning the military career of the more than eighty thousand Iowa soldiers. It was not printed, however, until 1911. Mention must be made, too, of one activity of General Baker not directly connected with his duties as Adjutant General. In 1872, when the northwestern part of the State was devastated by the invasion of grasshoppers, General Baker, by common consent, took charge of the relief movement. His organizing, executive mind meant much in this work.

On the first day of October, 1876, John H. Looby was appointed Adjutant General by Governor Samuel J. Kirkwood. His first report was submitted one year later, three months before the regular session of the Seventeenth General Assembly. He had found, upon taking charge of the office, a considerable accumulation of official business, and his first concern was to dispose of that. Next he turned his attention to the reorganization of the militia. Indeed, while Adjutant General Baker had been vitally interested in military matters, his office was greatly pressed with matters which were largely survivals of the Civil War, and during the last few years of his incumbency the regular militia had received little creative supervision. There is truth in the claim that the first effective organization of

[44] *Report of the Adjutant General of Iowa*, 1877, pp. 73, 74.

the militia following the Civil War was by John H. Looby in 1876–1877.

When Adjutant General Looby took up his duties, the records of his office showed a militia organization comprising in the aggregate "two hundred and eighteen officers and two thousand and forty privates and non-commissioned officers." A thorough investigation, however, "discovered the fact that a considerable number of the companies had completely failed; that some had not mustered for a year, and that others had given up their company organization entirely." Mr. Looby directed his efforts to thoroughly reorganizing the three existing regiments, receiving in this work the coöperation of the officers and men of the active commands. At the time of his report in October, 1877, there were "six full regiments of infantry, two battalions of four and seven companies each, with one regiment of light artillery fully organized, and taking an active interest in the work of acquiring that perfection of drill that marks the perfect soldier." The battalion of four companies was the University Battalion at Iowa City, listed as a part of the National Guard until 1894. In addition to those named above there were three unattached organizations: the Tabor Cadets at Tabor College, the State Agricultural College Cadets, and the Looby State Guards, a company of colored troops at Des Moines. By this time the organized militiamen in the State numbered about four thousand.

That there was confusion in the militia records is evidenced by the fact that in the roster of January 1, 1876, in General Baker's last report, William W. White appears as Captain of Battery A of the Cresco Artillery and also as Lieutenant Colonel of the Howard County Regiment.

The militia under General Baker had been made up of a considerable number of independent companies, not organized into battalions and regiments, and having no relation

to one another. Each was a separate and complete unit in itself. The reason for this may have been the inadequacy of the legislation in the *Code of 1873*. The militia was required to organize into companies, but it was discretionary with the Governor as to whether or not the companies should be formed into battalions or regiments. Perhaps the officials during this period could see no good purpose to be served by regimental organization. Possibly during the years following the Civil War, interest in the militia was not sufficient to warrant such organization.

At any rate, the organization of the militia into regiments as in the present familiar system had its beginning under General Looby in 1876–1877. Indeed, he attempted to form brigades, but inasmuch as legislation did not authorize such units, these orders were revoked.

Under Adjutant General Looby the military staff of the Governor was completely filled. Four aids-de-camp and four special aids-de-camp were commissioned as well as a military secretary. Instead of the Quartermaster General authorized by law, an Assistant Inspector General was appointed.

By General Orders No. 1, dated January 15, 1877, General Looby changed the name of the active militia organization from "State Guard" to "National Guard, State of Iowa," thus conforming to the name given by nearly all the States having militia organizations. This is the first time the name National Guard was officially applied to the Iowa militia.

The regiments of the new National Guard were, with a few minor exceptions, supplied with a complete staff of officers, including a Colonel, Lieutenant Colonel, Major, Adjutant, Quartermaster, Surgeon, Assistant Surgeon, and Chaplain. Indeed, the Fourth Infantry had in addition a non-commissioned staff made up of a sergeant-major, a

commissary sergeant, an ordnance sergeant, a quartermaster sergeant, a hospital steward, and a drum major. The Fourth Infantry outdid the others in another respect also: in addition to its companies A-K of infantry, it included Company A, First Cavalry, probably because this organization was located at Dubuque. The First Light Artillery, composed of twelve batteries, was also completely organized and officered. Each battery was attached to some one of the infantry regiments and each regiment had a band.

But what became of the Howard County Regiment under this new organization? Even its paper strength dwindled, for only two companies from Howard County can be located — Company D of the Sixth Infantry, and Battery D of the First Light Artillery. And here there seems to be a scarcity of officers: Company D has no First Lieutenant and it appears that the Second Lieutenant of Company D and the First Lieutenant of Battery D are the same man.

"It is the intention", wrote the Adjutant General, "to make our Regimental organizations adjust themselves to the formation of Congressional Districts. So far as has been possible this has been done, and as the organization of companies proceeds this intention will be fully carried out. There are now active organizations in forty-nine out of ninety-nine counties, but applications have been made for arms from a number of other counties, which could not be granted because the arms were not on hand to be issued. Forty stand of arms is the limit of arms issued to any one company, at present, which rule will not be changed save only in great public exigency."

About half of the arms in use were improved Springfield breech-loaders, and about half Enfields. The Enfields were reported to be "in as good condition as muzzle-loading guns can be for military purposes", but it was urged that they be sold and the others procured as speedily as possible.

"If the arms and accoutrements could be procured", continued the Adjutant General, "the National Guard of the State could be swelled very quickly to at least ten or twelve ten-company regiments, and comprising, too, the very best elements of our people. Nearly $10,000 is now due the State from the General Government under the Militia Act of May 8, 1792. This amount can be drawn only in arms, accoutrements, and war munitions; and while the occasion is ripe for the more complete organization of the Militia of the State, all means should be afforded for the immediate equipment of all good companies offering."[45]

General Looby reported that so far as he had been able to visit and observe the existing organizations, they exhibited "a fine proficiency in the manual of arms and company movements, and bid fair to make themselves thoroughly familiar with the whole duty of the soldier."[46]

Some idea of the work done in the office of the Adjutant General at this time may be gained from his report for 1877. Enquiries concerning matters of interest to individual Iowa soldiers were received almost daily. The most important business of the year was tabulated as follows:

Certificates of military service issued	189
Commissions issued	252
General Orders issued	4
Special Orders	59
Other certificates	57
Letters received	1164
Letters answered	1147

Verification of some two hundred discharges of Iowa soldiers was also made. The policy of General Baker not to charge fees for these services was continued.

[45] *Report of the Adjutant General of Iowa*, 1877, pp. 9, 51.

[46] *Report of the Adjutant General of Iowa*, 1877, p. 13.

General Looby called the Governor's attention to the need for a seal for his office; he urged the recopying of old records, asked for sidewalks, new floor, and repairs to the roof of the arsenal building, all of which had been urged for years.

One sentence in the report of the Adjutant General deserves special attention. "There are to-day," he wrote, "at the service of the State, in case of emergency, nearly four thousand well officered, well armed men, ready at all times to aid the civil power in enforcing respect for the majesty of the law."[47] At this time and for some years later the idea was prevalent that the chief utility of the militia was to quell labor disputes or aid the civil authorities in any way necessary.

In the summer of 1877 had occurred the great railroad strikes in the eastern part of the country, centering in West Virginia. The disturbance grew until it assumed almost the character of a general uprising. In many States it was found necessary to call out the militia to suppress riots, and even to call on the Federal government for aid. The situation affected Iowa slightly but not seriously. The strike broke out in both the eastern and western parts of the State, and "on some of the roads, trains were prevented from moving, and traffic impeded." Governor Newbold issued a proclamation "warning the disaffected of the consequences of unlawful action, and advising peaceable adjustment of all difficulties."[48]

The Governor was repeatedly asked, unofficially, to call out the military power to suppress lawlessness, "but in no case did the local authorities admit their inability to maintain

[47] *Report of the Adjutant General of Iowa,* 1877, pp. 4, 11.

[48] Shambaugh's *Messages and Proclamations of the Governors of Iowa,* Vol. IV, p. 332.

quiet in their own jurisdiction."[49] That there might be no delay in mobilizing the militia, if found necessary, Governor Newbold directed General Looby to order commandants throughout the State to notify the members of their commands to be prepared to receive orders for active service. On July 26th, telegrams were sent to each of the Colonels to be prepared to move at a moment's warning.

Every preparation was made for supplying the troops with ordnance stores, and Companies A and G, Third Infantry, and Battery M, First Light Artillery, were placed on duty at the arsenal. Fortunately there was no necessity for mobilization, and on July 31st all commands were ordered relieved.

"The National Guard of Iowa", wrote General Looby, "deserves great credit for the prompt and ready response made to the call upon them, and while not ordered into line, they were ready for duty whenever called. The old-time promptness of Iowa regiments during the war, has been continued in our National Guard organizations, and should unfortunate circumstances call them to the sterner duties of a soldier's life, they will be found doing their duty manfully and successfully."[50]

General Looby used the occasion to press his request for aid for the militia. "The occurrences in the East, and in the West, during the summer of 1877", he advised, "have shown the wisdom of aiding the militia to keep up their organizations. . . . In our own state the militia was not called into the field, but ordered into readiness. All commands were prompt in response and they would have fully and bravely performed all duty incumbent upon them. It cannot be questioned that the knowledge of the fact that

[49] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. IV, p. 332.

[50] *Report of the Adjutant General of Iowa*, 1877, p. 15.

regiments were organized, armed and equipped, with men in command, from the commander-in-chief down, who would not quail at the performance of imperative duty to the people and to the State, had the great effect in quieting the sentiment of communistic destruction blatant in some quarters."[51]

The new Adjutant General was firm in his opinion that legislation must be enacted not only to perfect the organization of the National Guard, but also to appropriate money for its use. "As the Iowa law now stands," his 1877 report reads, "no aid of any character whatever, is granted to the militia. The officers and men must pay for their own uniforms, they must pay freight charges on arms shipped to them from the Arsenal they must tax themselves to meet all contingent expenses for rent of armories, for ammunition, and for all other expense — and do all this for the privilege of standing as a reserve power in the hands of the Executive for the enforcement of law where the civil power proves inefficient or powerless. It is a large tax upon the pocket as well as upon patriotism to expect our citizen soldiery to give their time, their money and their lives, perhaps, without any aid or recognition of their services in a practical, businesslike way — a patriotism that does not promise to keep together our present active organizations very long. There is a limit to the efforts of citizen soldiery where they are compelled to bear the whole brunt of expense, save the arms, which are issued to the State by the Federal Goverment for the militia, and cost the State nothing."[52]

The suggestions of the Adjutant General were heartily endorsed and relayed to the General Assembly by the Governor. "The present militia law", his message reads, "origi-

[51] *Report of the Adjutant General of Iowa*, 1877, pp. 4, 5.

[52] *Report of the Adjutant General of Iowa*, 1877, p. 5.

nally enacted during the war, contemplates the organization of the entire militia of the State. This was found impracticable, even under the pressure of war, and is of no utility whatever now. I recommend its repeal, and the enactment in its stead of a law that will encourage those so disposed to organize themselves into companies, regiments, and, if thought best, brigades and divisions. We have some very good military companies at present, but they have a constant struggle for existence, because of the small encouragement they receive from the state." The Governor recommended the exemption of militiamen from jury and road duty, at least, and that such other inducements be held out as would "facilitate the formation of military companies." He also urged a large increase of the appropriation for the Quartermaster's department.[53]

Another source from which pressure was brought to bear upon the legislature was the organized militia itself. In January, 1877, the field and staff officers of the Fourth Regiment held a meeting at McGregor, and adopted a series of resolutions, asking all commanding officers from all parts of the State to meet in convention at Dubuque on June 5th and 6th. This meeting was held and it is reported that there were "active and intelligent representatives present from the First, Second, Third, Fourth, Fifth and Sixth Regiments of Infantry, the First Artillery, and University Battalion, with representatives from several unattached organizations."[54]

The Adjutant General was present and gave his support to the meeting. Governor Newbold wrote a letter which was read at the convention and throws some light upon the militia situation in Iowa at that time. Apparently the

[53] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. IV, p. 332.

[54] *Report of the Adjutant General of Iowa*, 1877, p. 18.

militia was not considered by him as a means of preparedness for time of war. He wrote in part:

> I take advantage of the occasion . . . . to express my sympathy with the object of your coming together; and I hope as an ultimate result of your deliberations, for the enactment of a more practicable militia law than the one at present on the statute book.
>
> This was passed in a time of war, while it was thought necessary in view of dangers menacing our borders, and of apprehended internal commotions, to organize the entire militia of the State. Accordingly, the statute contemplates the placing of all persons liable to military duty into companies and regiments; and provides that they shall be regularly drilled, &c. The necessity that seems to demand such a system no longer prevails, and the system was long since found to be impracticable in anything like its full extent, while its provisions can, with difficulty, be made applicable to such a military organization as that which has grown up under it, or rather in spite of it, and which accords much more with the genius of the people.
>
> I have no desire to foster any undue development of the martial spirit; neither have I much faith in the teaching which says, "In time of peace prepare for war." Warlike feelings are aroused too easily to permit their incitement by constant military preparations. Indeed it may, I think, be truthfully said that the people which prepare for war never enjoy peace. The latter, to be profound, must not meditate war.
>
> But the constitution and laws of the United States, and the constitution of our own State, contemplate, if they do not require, the keeping up of a military organization of some sort, and to give us an organization and a system which might enable us to carry out the object of all the constitutional provisions referred to, should be the aim of any new legislation; in other words enable those who desire to do so to organize themselves into citizen soldiery in an effectual manner, and at the same time to release those who have no such desire from the requirements to do military duty in the time of peace. In all proper measures toward the accomplishment of this object, be assured of my hearty cooperation, as you have my best wishes for a harmonious, profitable session.[55]

[55] *Report of the Adjutant General of Iowa,* 1877, p. 18.

The convention discussed the militia situation thoroughly and formally expressed their conclusions in the following resolutions:

The National Guard, State of Iowa, in convention assembled, declare that they regard a well organized militia of Iowa as the just pride of our growing commonwealth; its glory in peace and defense in war; and that we demand of our law-making power such legislation as will place it on a footing commensurate with Iowa in the family of States, and with her glorious record.

That the militia companies comprising the regiments organized under the Adjutant-General's orders, find the expense for uniforms, rents of armories and transportation, a burden too heavy to be borne, and crippling to their efforts at proper organization.

That the members of this military convention firmly believe that a volunteer militia organization is a benefit and an honor to our State; that the school of the soldier, the discipline and movements of companies and regiments, are taught and learned at less expense to the General Government than any other arm of the public service; that Iowa, for a meagre appropriation, can be sure of a drilled and experienced soldiery prepared for emergencies; that our State does not offer, in its militia law or otherwise, adequate compensation for the maintenance of the various companies and regiments; therefore, be it

RESOLVED, By this convention, that we earnestly and untiringly urge the passage of a law by the next general assembly of Iowa, to designate five days in each year for the assemblage and drill of the militia, and that a compensation be paid each member of our State militia of $2.00 per day for such service.

RESOLVED, That it is the sense of this convention that when we return to our respective homes we will use our influence for the nomination and election of such men to represent us in the legislature as will vote for the law we desire.

RESOLVED, That the presence at this convention of the Adjutant-General of Iowa, is an assuring sign that his heart is with us; that the perfection of our Iowa militia is the object of his personal pride and ambition, and that we thank Governor Newbold for the willingness exhibited and promptness shown to complete the creditable organization of our State militia, and that his warm approval of

the purposes of this convention entitles him to the sincere support of the Iowa soldiery.

RESOLVED, That we view in Senators Allison and Kirkwood unqualified friends of the soldier, who showed their patriotism and fidelity in times that tried men's souls, and that we respectfully ask them to give us their potent aid in the accomplishment of our object, and that a co-operation with our two Senators on the part of the several members of the House of Representatives will be a fresh occasion for our continued approval and support.[56]

In addition the convention asked Governor Newbold to rescind the order whereby the militia were required to pay cost price for ammunition furnished them, and, in lieu therefor, to "issue an order requiring the Adjt. General to issue 1,000 rounds of fixed ammunition, to be expended only at target practice agreeable to Wingate's system; and that company commanders be required to report each practice to his regimental commander, and he in turn to the Adjutant-General and that once a year the Adjutant-General publish a list of the best shots made, with the name of the company in which made and individual by whom made."[57]

In the matter of uniform, the convention recommended:

1. That the dark blue coat and light blue pants of the regular army be adopted as the basis.
2. That each regiment adopt such mode of trimming as it may choose, and use either the regular hat or cap.
3. That companies now uniformed be allowed to retain their present ones; but that when they renew their uniforms, they procure that of the remainder of their regiment.
4. That field and staff officers use only the uniform used by officers of the same rank in the United States army.[58]

A standing committee was appointed and instructed to

[56] *Report of the Adjutant General of Iowa,* 1877, p. 20.

[57] *Report of the Adjutant General of Iowa,* 1877, p. 21.

[58] *Report of the Adjutant General of Iowa,* 1877, p. 21.

prepare a military law for the government of the Guard for presentation to the next session of the General Assembly, and "to do and to perform all acts necessary to urge its adoption."[59] The law as enacted in 1878 is probably largely the result of the efforts of this committee.

The Seventeenth General Assembly enacted the first militia legislation of any importance since the Civil War. Not only did they appropriate $5,486.21 for the payment of the troops called into readiness to suppress the threatened riots of 1877, but they drew up a new and somewhat comprehensive Military Code.

This Military Code, enacted as chapter 125 of the *Acts of the Seventeenth General Assembly,* in 1878, although repealed at the following session, deserves analysis because it was the first statutory organization of the National Guard after the Civil War and because the law of 1880 was largely based on this chapter.

Under this law the inactive military force, comprising all able-bodied male citizens between the ages of eighteen and forty-five years of age, was continued, and it was made the duty of township assessors to make annual returns to the county auditor of the persons within the township who were subject to military duty. This force might be ordered out for active service, by draft if necessary, "to execute the laws, suppress insurrection or repel invasion, or when a requisition shall be made by the president of the United States for troops".[60]

It was provided that, except in time of war or public danger, the active militia should not exceed one regiment of infantry for each congressional district, and one regiment of cavalry and one regiment of artillery for the State at large. For the first time the law designated the active

[59] *Report of the Adjutant General of Iowa,* 1877, p. 21.

[60] *Laws of Iowa,* 1878, pp. 78, 108, 132.

militia as "Iowa National Guard" thus following the new terminology of the Adjutant General's office. It was to be recruited by volunteer enlistments for a term of three years. The forms of enlistment papers and oaths were prescribed. The whole State comprised one division of not more than two brigades, to be commanded by one Major General and two Brigadier Generals. The Governor, as Commander-in-Chief, assigned regiments, battalions, and companies as he saw fit.

The staff of the Commander-in-Chief was increased to include "an adjutant-general, an inspector-general, a quartermaster-general, a commissary-general, and a surgeon-general, and such other officers as he may think proper to appoint."[61] This left the matter of aids and special aids to the discretion of the Governor. The rank of the Adjutant General was increased from Brigadier General to Major General and his pay, in time of peace was made one thousand dollars per year. His duties as Adjutant General and as Quartermaster General were outlined. He was given power to appoint an ordnance sergeant to take care of the arsenal and grounds.

General officers were to be elected but divisional, brigade, and regimental officers, designated in the law, were to be appointed and commissioned by the Governor upon the recommendation of the divisional, brigade, or regimental commander. Provision was also made for a regimental non-commissioned staff. Company and field officers were to be elected as provided by the State Constitution, and all were to serve for a term of three years. Procedure in elections was outlined.

Under this law a regiment was to consist of not less than eight nor more than ten companies; a battalion of not less than two nor more than seven companies. Companies were

[61] *Laws of Iowa*, 1878, p. 109.

to consist of "a captain, a first lieutenant, a second lieutenant, five sergeants, eight corporals, two musicians, and not less than forty nor more than sixty-four privates and non-commissioned officers". Artillery companies were not to exceed twenty privates to each gun and were to have four commissioned officers each. Companies, battalions, and regiments could make by-laws for their own regulation; but the organization, equipment, discipline and military regulations must conform strictly to the regulations for the government of the Regular Army of the United States. Indeed, the fatigue uniform of the army was prescribed, and commissioned officers must adopt the prescribed army uniform for officers of the same grade.

Members of the Iowa National Guard were exempted from jury duty and from head or poll tax during their period of service. Uniforms, arms, and equipment of members were exempted from suits, distresses, executions, or sales for debt or payment of taxes, unless assessed by court martial. In all cases except treason, felony, or breach of the peace, militiamen were to be privileged from arrest during attendance at drills, parades, encampments, and elections of officers, and in going to and returning from the same.[62]

One of the great defects in the training of the militia up to this time had been the infrequency, indeed, almost the entire absence of regular company drill. The new legislation sought to remedy this. It provided that the commanding officer of each regiment or battalion might order monthly or semi-monthly, day or evening drills, by companies, from October to April, inclusive, the members, however, receiving no compensation. Although this was only a beginning, nevertheless it marks a positive step forward.

There was a feeling at this time, also, that summer en-

[62] *Laws of Iowa*, 1878, Ch. 125.

campments would greatly increase the knowledge and efficiency of the Guard, besides attracting recruits. So it was provided that the Guard might parade for drill three or five days annually, by company or regiment. Members attending would receive subsistence at the rate of thirty-three and one-third cents per day, and transportation to and from the place of rendezvous, at a rate not to exceed one and one-half cents per mile each way.[63] Target practice was to be conducted at these encampments, and for that purpose each company was to be issued one thousand rounds of ammunition.

Various penalties for misfeasance, malfeasance, and nonfeasance were imposed, and the organization and procedure of courts martial were outlined. Attendance at drill was made compulsory, and absence rendered a person subject to a fine which might be collected by a civil officer upon a warrant, in the same manner as in civil actions.

Appropriations under this act were very meagre. Fifty dollars was to be allowed each company for the payment of armory rent, fires, and lighting. In addition, five thousand dollars was appropriated for the biennium to meet the requirements of this act which were not otherwise provided for, and for payment for the transportation of arms, ammunition, and ordnance stores from the State arsenal to the various regimental and company headquarters of the Iowa National Guard, and for the purchase of a seal for the Adjutant General's office. Thus at last the Adjutant General was to have a seal.

Noble Warwick was appointed Adjutant General on June 27, 1878, and resigned in August of the same year. William L. Alexander was appointed September 1, 1878, and served over eleven years, until October 9, 1889. Too much credit can not be given General Alexander for his faithful service

[63] *Laws of Iowa*, 1878, p. 112.

during this period. The Guard reaped the benefits of the long terms of Nathaniel B. Baker and William L. Alexander.

Proceeding under the provisions of the new Military Code, the Adjutant General reorganized the militia to correspond therewith. By the time of the report rendered in October, 1879, the division and two brigades were completely organized and officered; one regiment of cavalry, one of artillery, and nine of infantry were formed and drilling. All appointments to the Governor's staff had been made, including five aids-de-camp and eight special aids-de-camp.[64]

There were altogether over five thousand enlisted men and officers enrolled at this time, armed for the most part with Springfield breech-loading rifles. Some of the regiments, however, had not a full complement of companies since it was deemed more advisable to organize and arm new companies with a view to the final just distribution of the force, than to fill up regiments. The Second, Third, Fifth, and Eighth Infantry Regiments, with three companies from the cavalry, and five batteries from the artillery, together with the Glenwood Guards and Looby Guards made up the First Brigade, while the remaining regiments of infantry and companies of cavalry and artillery formed the Second Brigade. The arrangement was arbitrary, following no geographical lines whatever.[65]

The year 1879 saw general activity and widespread interest in military matters throughout the country. Two national conventions of the National Guard were held, one at New York City in January, with seventeen States represented; and one at St. Louis in September, with fourteen States represented. In Iowa, a State militia convention

[64] *Report of the Adjutant General of Iowa*, 1879, p. 13.

[65] *Report of the Adjutant General of Iowa*, 1879, p. 48.

was called for May 14th at Marshalltown. One of the declared objects of the convention was "to demonstrate to the people of the State, and to the gentlemen who are aspiring to the Legislature, that the National Guard of Iowa is alive, and deserves to have encouragement. It is absolutely necessary to our maintaining an existence as militia that the next Legislature should make a reasonable appropriation for our benefit. A large convention will attract the attention and insure us the respect always accorded to an organization which shows itself to be numerous, wide awake, and powerful."[66] The convention was composed of all the commissioned officers and three enlisted men from each organized company.

The law of 1878 contemplated annual encampments, but the appropriation was too small to support them. Camps were conducted, however. The Fourth Regiment was in camp at Dubuque from October 14 to October 16, 1878. The *Dubuque Herald* tells at length of the company and battalion drills, dress parades, and the sham battle which attracted great crowds. In 1879 the Fourth Infantry, Sixth Infantry, and the command formerly known as the First Independent Battalion each held a three day encampment at their own expense. "Earnest encouragement and substantial aid" were given these "financially hazardous undertakings" by the citizens of Independence, Osage, and Marshalltown, where they were held. "Camps of this kind, while not without good results," wrote General Alexander, "are too often open to the consciousness of each man having a financial interest in the affair, and a consequent desire to have a voice in the management to the extent of the capital invested." His constructive recommendation was as follows:

> I deem it of vital importance that annual encampments be held,

[66] *Report of the Adjutant General of Iowa*, 1879, p. 6.

as contemplated by the law. In no other way can such useful information be imparted. The men being brought together, habituated to the duties of the camp and field, held under rigid discipline, the requirements of camp life being performed with the exaction of active service, will derive more practical benefit in the allotted five days than during a year of the ordinary instruction.

Should it not be deemed advisable to assemble the entire Guard annually, there might each alternate year be an encampment of officers and non-commissioned officers.

The work of the Adjutant General's office continued to increase, and his report again emphasized the necessity of clerical assistance. It was again proposed that the faded out war records be copied. He also suggested that there be a "rigid, unannounced inspection" of the arms in possession of the companies throughout the State.

The big defect in the Iowa National Guard at this time was the lack of support. The military law was, in its essential features, a good law. Experience showed that minor changes were desirable, but the greatest lack was the want of an appropriation. The General Assembly of Illinois had adopted the Iowa law almost without change.

The militiamen were required to provide their own uniforms. The Adjutant General wrote, of this situation: "Some have uniforms for a portion of the men, some a portion of a uniform for each man, and some, to the mortification of both themselves and the public, are compelled to wear on all occasions of drill and parade, clothing wholly unmilitary. . . . It is quite desirable . . . that the troops of the State should be provided with suitable State military clothing, and regiments enabled to have a uniformity of appearance."

To have the companies depend on their respective communities or on assessments on individual members for existence fostered "a spirit that yields very unreadily to discipline, and while the command is as yet, in the main,

far in advance of what might be expected in this particular, there have occurred instances of disregard of authority highly injurious, and calculated to unfit, rather than prepare, men for that strict observance of law and orders, without which all military organizations become disgracefully ineffective. Whatever force, then, the State maintains, it should on its part provide with all the essentials, and in return insist on such proficiency in soldiery qualities on the part of the members of its Guard as will make them creditable and effective.''[67]

With regard to the size of the organized militia General Alexander commented: ''One especially happy feature of the present law is its limiting the active force to eleven regiments: many years will elapse before this number will need to be increased.'' He also suggested that the militia returns from the counties might just as effectually be made biennially instead of annually.

Governor Gear seconded the suggestions of the Adjutant General as to uniforms, encampments, and appropriations, and recommended, in addition, that the pay of the Adjutant General be increased to $1500.[68]

The Eighteenth General Assembly passed two appropriation acts for the militia. One, chapter 86, was for $931.64 for the payment of certain companies who rendered aid in the anticipated riots of 1877. The other, chapter 205, was for $54.48 to Company C, Fifth Regiment, for duty performed during February, 1880, in guarding the Albia Coal Company's works.

In addition, the entire military title of the Code was revised. Perhaps the best explanation of the reasons for this new enactment is found in the following paragraph from the report of the Adjutant General for 1881:

[67] *Report of the Adjutant General of Iowa*, 1879, p. 4.

[68] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. V, p. 30.

The Military Committee of the Eighteenth General Assembly found a force in the State that had been enlisted under chapter 125, laws of the Seventeenth General Assembly, with the understanding that they were to receive the benefits promised by this law, when in reality there was practically no appropriation to meet its requirements. The amount necessary to do this was larger than the committee deemed advisable to recommend. The first question, therefore, to consider was how much ought to be appropriated for military purposes. It was finally ascertained that little or no opposition would be made to an annual appropriation of $20,000, but the sum would not sustain more than half the companies already organized; therefore a new law must be framed that would work a reduction of the force to an extent that it could be supported by the amount agreed upon. To effect this reduction and do no injustice to companies that had enlisted and maintained themselves at no small expense, with the understanding that the law of 1878 was operative, was something of a problem. The final solution was a provision against the organization of any new companies of any description, the mustering out of the cavalry and artillery regiments, and exacting such requirements of existing infantry companies as was thought would work the voluntary disbandment of the requisite number. The wisdom of abandoning the artillery and cavalry has been attested by similar action on the part of several of the older States. The subject was among the first brought forward at the annual meeting of the National Guard Association of the United States in Philadelphia in March last, and the weight of opinion was that the money required to sustain these branches of the service could be used with better results in promoting the greater efficiency of infantry.[69]

The most striking features in the revision were the decrease in the size of the Guard and the increase in the appropriation for support. Instead of one division with the divisional commander and staff, the Guard was now to be composed of two brigades only. The number of regiments was restricted to nine and these were to be of infantry only. The enlistment period of the men and the term of office for the officers were increased to five years. The salary of the

[69] *Report of the Adjutant General of Iowa*, 1881, pp. 3, 4.

Adjutant General was increased to $1500. Provisions were made for brigade or regimental bands.

Annual encampments under the new law might be by brigade as well as by company or regiment. Transportation and subsistence were provided for. Although artillery companies in Iowa were abolished by this law, it was provided that there should be issued for target practice "fifty pounds of powder to each company" of artillery instead of "forty rounds of ammunition to each gun" as heretofore. Cavalry companies, too, could draw ammunition. The law was patchwork: new provisions were inserted, but lack of a general revision left contradictions and inconsistencies.

The dress uniform of the United States army was substituted for the fatigue uniform, and an annual clothing allowance of four dollars per man was authorized. Small sums were doled out to brigade, regimental, and company headquarters to pay for stationery and office incidentals. Fifty dollars annually was again allowed to each company for armory rent. The Governor was allowed to authorize such clerical assistance in the office of the Adjutant General as he thought wise. He was also given the power of disbanding any company when it should fall below a proper standard of efficiency, as revealed by special inspection. Minor changes were made in the commissioned staff and non-commissioned staff, and more importance was attached to the medical staff.

Aside from the increased appropriation — $20,000 per annum — two other sections of importance may be noted. One was to the effect that "it shall not be lawful for any body of men whatever, other than the regularly organized volunteer militia of this state and the troops of the United States, to associate themselves as a military company or organization, or to drill or parade within the limits of this state without the license of the governor thereof, which li-

cense may at any time be revoked: *Provided,* that nothing herein contained shall be so construed as to prevent social or benevolent organizations from wearing swords." This provision has remained in the law verbatim down to the present time.

The second innovation permitted the sheriff to call out the militia. The law reads: "In case of any breach of the peace, tumult, riot, or resistance to process of this state, or imminent danger thereof, it shall be lawful for the sheriff of any county to call for aid upon the commandant of any military force within his county, immediately notifying the governor of such action; and it shall be the duty of the commandant upon whom such call is made, to order out in aid of the civil authorities the military force, or any part thereof, under his command."

A schedule of the compensation for officers and enlisted men when called out in time of insurrection or invasion was included, which provided the following sums for every day actually on duty:[70]

To each general, field and staff officer	$4.00
To every other commissioned officer	2.50
To every non-commissioned officer	2.50
To every other enlisted man	1.50

Efficiency was stimulated by the provision in the law of 1880 that "all companies not acceptably uniformed within four months after the passage of this act shall be considered below the proper standard of efficiency within the meaning of this section, and shall be disbanded. When any company shall be disbanded under the provisions of this section, its place in its regiment shall not be supplied by the acceptance of another company, nor shall any new company be accepted into the national guard until the first

[70] *Laws of Iowa,* 1880, pp. 61–70.

day of May, 1882, nor until authority for this purpose shall be given by the general assembly."

The law relative to the reduction of the infantry organizations left forty-six companies, which were combined into six regiments, three in each brigade. The consolidations were made gradually, so that no officer was mustered out before the expiration of his term. "To make the appropriation pay", wrote the Adjutant General, "just what the law contemplates; viz., the expense of encampments, four dollars per man as clothing allowance and sixty dollars to each company for armory rent and headquarter allowance, the companies have to be kept to near their minimum strength. No legislation could be more fatal to the Iowa National Guard, than that which would permit any material increase of it without a corresponding increase in the appropriation."[71]

Apparently the consolidation of regiments had not taken place at the time of the summer encampments in 1880, for the Second, Fourth, Fifth, Sixth and Eighth Regiments held camps at Fairfield, Postville, Red Oak, Charles City, and Marshalltown, respectively. Only five regiments were encamped so that funds might be at hand in 1881 to enable the entire command to camp together. "I visited each of these camps," wrote General Alexander, "and found them in much better condition than I had expected, and going through their daily programme of camp duties with an earnestness truly commendable. The picnic idea that works such injurious results in militia camps had gained no hold, and officers and men were thoroughly imbued with the spirit that they were called together for work and not for a holidy or season of useless parade. There was room for criticism, but considering how recently the force had been reorganized, the encampments of 1880 were creditable and

[71] *Report of the Adjutant General of Iowa*, 1881, p. 4.

productive of good results. They were the first ones held in the State where the expense was not borne by the parties holding them, and gave the Guard the first evidence that the State would really carry out its part of the contract, and keep faith with it according to the provisions of the law."[72]

In accordance with chapter 74 of the *Acts of the Eighteenth General Assembly,* General Orders No. 1 was issued April 7, 1880, by which all officers and enlisted men of the First Regiment of Cavalry and the First Regiment of Artillery were mustered out and honorably discharged from the service of the State.[73] Companies desiring to maintain an independent organization could retain their ordnance. The size of companies was restricted by providing that clothing allowance and encampment expenses should not be allowed to unarmed members. Companies not uniformed and in condition to pass inspection by July 20, 1880, were to be disbanded.

On September first, General Orders No. 3 disbanded thirty-seven companies as "not having chosen to uniform and remain in the service". The remaining companies were later reassigned and relettered, and vacancies among commissioned and non-commissioned officers were ordered filled.[74] At an election held May 19, 1881, Lyman Banks, of Muscatine was made Brigadier General of the First Brigade, and Charles S. Bentley, of Dubuque, Brigadier General of the Second Brigade. The Governor at this time increased the number of his special aids-de-camp to twenty.[75]

The encampment of 1881 was for five days, commencing October 3rd. Both brigades camped together at Camp Ba-

[72] *Report of the Adjutant General of Iowa,* 1881, p. 5.

[73] *Report of the Adjutant General of Iowa,* 1881, p. 43.

[74] *General Orders* No. 4, June 25, 1881, in the *Report of the Adjutant General of Iowa,* 1881, p. 46.

[75] *Report of the Adjutant General of Iowa,* 1881, p. 11.

ker, near Des Moines. General Orders No. 9, under date of September 15, 1881, the first general order for a camp in Iowa, is here reproduced:

STATE OF IOWA,
General Orders — Adjutant-General's Office,
No. 9 — Des Moines, September 15, 1881.

The following orders, relative to encampment, to be held at Des Moines, commencing October 3d, are published for the information and guidance of all concerned:

I. The camp will be known and designated as Camp Baker.

II. During the encampment, the two brigades, though quartered near together will preserve their brigade formation.

III. An inspection by the officers of that department will be made at some period during the camp, preparatory to the annual payment for clothing allowance. The orders governing the last payment are yet in force, and will be observed in this. Blank rolls have been forwarded, and company commanders will cause them to be carefully prepared, and bring with them all of the three copies completed, ready for the Inspector.

IV. Blank requisitions for armory rent have been forwarded, and will be completed and returned at once, so that payment can be made without delay.

V. Uncooked rations will be issued, and that the men may have all the conveniences possible, each brigade, regimental, and company commander, will have constructed a strong, substantial mess-chest. These chests should have a lid hung on good hinges, and closing with a suitable padlock. Compartments should be made with special reference to packing, in a convenient manner, all the table ware, cooking utensils, etc., needed. These articles can thus be brought to camp by individual members of companies in quantities far in excess of what could be obtained in any other manner. An allowance of five dollars will be made for every mess-chest constructed according to the spirit of this order.

VI. Good wall tents have been provided that will accommodate from six to eight men each. Company headquarters will be allowed two tents; regimental headquarters four, and brigade headquarters six.

VII. It would be well for brigade quartermasters and commissaries, regimental quartermasters and commissary-sergeants, to be

in Des Moines early Friday morning, September 30th, and to all such whose immediate commanders so order, transportation will be furnished.

VIII. Company commanders will ascertain as nearly as possible the number of men they will bring to encampment, and report *by mail direct to this office,* so that it may reach here not later than September 24th, at which time orders for transportation will issue.

IX. No men not uniformed will be furnished transportation, except such as are employed as cooks or servants.

X. For the transportation of horses and extra baggage, a car will be run from each brigade and regimental headquarters. Forage for horses will be provided while in camp.

XI. No part of the command will be moved earlier than the afternoon or night of October 2d, but an effort will be made to have the entire force in camp as early on the 3d as possible.

XII. To settle questions of rank that may arise, it is ordered that where an officer has served one term of enlistment, and has been recommissioned to the same office, he shall take rank as given him by his first commission.

XIII. No expense will be incurred or bills contracted without being submitted to this office for approval.

XIV. The following named officers are detailed for duty at these headquarters during encampment:

Lieutenant-Colonel *J. Rush Lincoln,* 1st Regiment.
" " *Charles B. Rounds,* Aid-de-Camp, Commander-in-Chief.
" " M. T. V. Bowman, Aid-de-Camp, Commander-in-Chief.

They will be obeyed and respected accordingly.

By order of the Governor:

W. L. ALEXANDER, *Adjutant-general*[76]

Continuous rains seriously interfered with preparation for this camp and with work during the time of the encampment. The men made the most of the situation, however, and "although put to a test that would have been something of a trial even to veterans, proved themselves possessed of true soldierly qualities."[77]

[76] *Report of the Adjutant General of Iowa,* 1881, p. 48.

[77] *Report of the Adjutant General of Iowa,* 1881, p. 80.

The only legislation in 1882 affecting the National Guard in any way was a law providing that the report of the Adjutant General (along with those of other officers) should be rendered "on or before the fifteenth day of August, preceding the regular sessions of the general assembly and should be for the biennial fiscal term June 30 to June 30."[78] Hence the next report of Adjutant General Alexander was made June 30, 1883.

During the year 1882 the organization of the National Guard remained the same — forty-six companies — but the details of discipline, drill, and equipment were given attention. The new and improved McKeever cartridge boxes were issued early in the year. Heretofore the State had been able to issue very little ammunition, but in 1882, it was announced that the maximum permitted by law would be issued.[79] All companies were armed with Springfields, usually in good condition. Each company was supplied with a copy of revised *Army Regulations.*

The annual encampment of 1882 was by brigades instead of all together. The First Brigade camped at Muscatine from July 3rd to 8th, and the Second Brigade at Waterloo June 19th to 24th. "These cities were selected on account of their being favorably located for concentrating the commands, and by reason of the liberality of their citizens in offering prizes for the best drilled companies, and contributing toward the incidental expenses of the camps."[80] In his report on this encampment the Adjutant General suggested that it might be a "matter of economy for the State to secure two permanent camping-grounds, one in the south part and one in the north part of the State."[81]

[78] *Laws of Iowa,* 1882, p. 170.

[79] *General Orders* No. 1, 1882, in the *Report of the Adjutant General of Iowa,* 1883, p. 57.

[80] *Report of the Adjutant General of Iowa,* 1883, p. 4.

[81] *Report of the Adjutant General of Iowa,* 1883, p. 6.

The Adjutant General also suggested having a skeleton camp for officers and non-commissioned officers, conducted perhaps in coöperation with or under the direction of Regular Army officers and drill sergeants. He also reported that the feeling was general that the men should have some compensation for the time spent in camp. "In no way could discipline be more improved", declared General Alexander, "than by giving some pay for this service, even though it be but little."

The "picnic spirit" had apparently come into evidence in some quarters for an order was issued that "Company commanders will see that no enlistments are made of recruits whose desire is simply to attend the encampments, and who do not wish to do that for any of the purposes for which encampments are ordered.

"Caution in this direction would not be so urgent if every man met the penalty of his own acts, but as the misconduct of anyone wearing the State uniform falls in some measure upon the entire Guard, the men who stand by their companies during the entire year, doing their duty and having a soldierly pride in doing it, must have the protection above indicated." [82]

This spirit had not yet begun to mar the camps seriously, however, and they were regarded as a distinct success. This was in great measure due to the infrequent changes in the commanding officers of brigades and regiments. "These officers, all of whom were in active service during the war, and none of whom have been officers in the National Guard for less than five years, nor in their present grades less than two years; have acquired such a fund of military information as to make their services almost invaluable." [83]

[82] *General Orders* No. 3, 1882, in the *Report of the Adjutant General of Iowa*, 1883, p. 59.

[83] *Report of the Adjutant General of Iowa*, 1883, p. 5.

The annual expenses of the Guard at this time were chiefly for three purposes: about $8,500 for clothing allowance, about $9,000 for encampments, and about $1500 for armory rents.[84] The encampment expense was reported as much smaller than that in other States at this time. Allowance for armories was not sufficient, and in many towns, the companies had to make up a larger amount. An ingenious method of raising money for such purposes was suggested as being practiced in Michigan. Companies were each permitted to enroll one hundred and fifty contributing members, each to pay into the company treasury ten dollars as annual dues, and in return to be exempt from jury duty and poll tax, the same as active members.

The National Guard, in June, 1883, still consisted of forty-six companies. The only increase recommended by General Alexander was the addition of two companies. On the question of replacements, however, he wrote as follows:

> There is now, however, an urgent necessity for authority to replace with new organizations companies that fall below the proper standard of efficiency. The law that prohibits this was needed when it was enacted; because it was the only way open to reduce the force, and reduction had to be accomplished before the Guard could have a creditable existence. Iowa was among the first states to abandon artillery and cavalry and to reduce its infantry so that the State could support it. Almost all the older states have adopted the same policy; and the disposition to decrease the numbers and increase the efficiency is now everywhere evident. The present law has worked the reduction its framers contemplated; and now that this is done, there no longer exists the need of the provision preventing the acceptance of a new company that is good, in place of an old one that is bad. Notwithstanding the law against new companies, as the Guards have steadily improved, and continued to grow in favor, applications to form them have been received at the rate of one each week.

[84] *Report of the Adjutant General of Iowa*, 1883, p. 11.

Therefore, if the provision above suggested is made, it must be hedged about with such guards and checks as will guarantee to the State the admission of companies organized by men who understand the nature of their obligation when they take it, and who are willing and competent to perform it. No new company should be organized at a town that is not certainly able to maintain it, nor should a company be accepted until it uniforms itself, is provided with an armory, and presents the requisite number of men both morally and physically up to the standard that Iowa is making her Guard.

Our companies have usually about forty active members. They can, under the present law, be increased to sixty-four and the addition of that number of recruits would not long effect the efficiency of the force; thus while the State maintains but about twenty-three hundred men, should it demand it, it could, almost immediately and without legislation, have the service of thirty-three hundred.[85]

General Alexander also urged that the system of annual clothing allowance be discontinued, and that uniforms be issued in kind to all militiamen. He urged annual inspections of each company at its own armory, and the preparation of books comprising State regulations, principles of discipline and tactics, as well as sets of company books and forms.

The preparation of a book containing the names and present addresses of the ex-officers of Iowa regiments was suggested by the Adjutant General. He requested that the time of making his report be again fixed at October 1st, thereby permitting a report on the encampment for the current year. The needs of the National Guard were stated briefly as being: "first, a uniform, and pay for time at encampments; second, permission to organize two new companies, and to disband inefficient ones and organize new ones in their stead; third, an appropriation that will permit inspections, the preparation of a Code of regulations, the issuing of company books and tactics, increased amount of

[85] *Report of the Adjutant General of Iowa*, 1883, pp. 3, 4.

armory rents, a more liberal expenditure at encampments, and that will relieve the officers and men of the continual expense to which they are now subjected.'' [86]

This biennium saw the beginning of what later grew into the Signal Corps of the Iowa National Guard. Captain James Rush Lincoln, of Company A, First Regiment, had drilled a detachment of his men in signals, and given the matter, according to the report of the Adjutant General, ''such thorough attention as to have organized, entirely without State aid, a signal corps that would be a credit to any State. The members of this corps deserve great credit for so industriously studying this branch of the service when it is not even recognized by the Military Code.'' [87]

The encampment of 1883 was by brigades also. The First Brigade camped at Fairfield commencing Monday, August 13th, and the Second Brigade at Cedar Falls, commencing August 27th.[88] The annual camps were usually inspected and the troops reviewed by the Governor. Usually prizes were offered for the best drilled companies. Thus the companies taking prizes at the 1883 encampments helped make up the escort at the inaugural ceremonies in 1884.

In his message of January 15, 1884, Governor Sherman commended the National Guard in the following words:

> The Iowa Militia is a splendid organization, worthy to be compared with that of any other of the states. I have a profound admiration for the devotion of the officers and men, who have so willingly given time and money, far beyond the amount allowed by the State, to the up-building of the Guard, until at last, their proficiency has compelled even the warm endorsement of officers of the United States Army. It was my fortune to attend the encampment of both brigades, and I hazard nothing in saying that the general

[86] *Report of the Adjutant General of Iowa,* 1883, p. 13.

[87] *Report of the Adjutant General of Iowa,* 1883, p. 12.

[88] *Report of the Adjutant General of Iowa,* 1883, p. 60.

behavior of the men was not only in the highest degree creditable to the State, but also their correctness in drill, and in fact in all the maneuvers of field and garrison, could scarcely be equalled by veteran troops.

The Guard is made up from among the best young men in the State, whose enthusiastic devotion thereto is worthy all commendation. In the main, the officers are veterans of the great conflict, who take justifiable pride in instructing the men in the arts of war. The force is not a large one for such a State as Iowa, comprising, as it does, but six regiments, and the expense of maintaining it has been very moderate indeed.

The various recommendations of the Adjutant-General, relative to new companies, new uniforms, and other matters equally meritorious, are worthy your favorable consideration. The only way to maintain a Guard worthy the State is to encourage the members through reasonable appropriations for necessary legitimate expenses. I have found a great majority thereof willing to devote their time to make the organization what it should be, but very few can afford to spend money for such purpose.

After careful examination of the expenditures made during the past term, I am satisfied the same were for legitimate purposes, and within both the spirit and letter of the law, and, inasmuch as the same has proved insufficient for this lawful purpose, and has compelled a considerable expenditure of private funds, intended to the advantage of the work, I earnestly recommend such increase of the appropriation as will relieve the officers and men the necessity of personal contributions.

I am proud of the Iowa National Guard. It is worthy the endorsement of the General Assembly, and I confidently trust will receive at your hands that encouragement entitled to so creditable an organization. It is not too much to say, that in appearance, discipline, and standing, the Guard will favorably compare with that of any other of the states. I was gratified to notice that the President of the United States, in his last message to Congress, spoke most favorably of the state militia organizations, and I trust that our own State, now one of first in the sisterhood, will prove herself equal to her position, and make such provision for her volunteer militia as will entitle us to maintain our prominence. While I am opposed, under our system of government, to a large standing army, believing the same to be inimical to the best interests of the

country, I am in favor of an adequate volunteer force, skilled in the arts of war, that may be relied upon, should circumstances demand the services of armed troops.[89]

Only three acts relating to the National Guard were enacted by the General Assembly in 1884. One of these authorized the Adjutant General to turn over the Enfield rifles and accoutrements owned by the State to the G. A. R. Another provided for the preparation of a roster of all ex-soldiers, sailors, and marines then resident in Iowa. Two thousand dollars was appropriated for this purpose.

The third law of 1884 amended the Military Code. By providing for six regiments only, the seal of approval was set upon an accomplished fact. Eight companies were fixed as a regimental strength. Most important of all, though, was the section providing that for the time spent in annual encampment, each officer and soldier should receive $1.50 per day. An additional annual appropriation of $15,000 was made.[90] Then, too, the law was so amended as to allow the Adjutant General to disband inefficient companies and accept new ones in their places. There was now a proper limit as to the number of companies that might be enlisted and there was authority to compel a proper standard of efficiency. The policy of keeping companies at a minimum of forty members prevailed generally.

In 1882 the entire Guard had camped as a unit; in 1883 the encampment was by brigades; and in 1884 it was determined to make a trial of camping by regiments. Accordingly six camps were held. The first camp began on August 11th and the last on September 15th. Jewell Junction, Washington, Newton, Manchester, Creston, and Mason City were selected as camp sites.

[89] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. V, pp. 271–273.

[90] *Laws of Iowa*, 1884, Chs. 65, 122, 172.

The summer camp was now an established procedure in Iowa. The annual inspection, and muster for pay and clothing allowance occurred on the last day of each encampment. New problems came up for solution each year, but the officers were gaining experience in conducting the camps. Not only did the men have training in drill tactics and guard duty, but the clerical routine was also emphasized. "Special attention is enjoined with regard to the use of morning reports, and ration returns," reads a General Order of 1884. "While it is the intention to issue rations in abundance, the commissary must not be regarded as a place where supplies are indiscriminately dealt out to all comers, at all times, and in quantities limited only by the desire of the applicant. The National Guard of Iowa is old enough, and has been in camp often enough, to get rid of its unmilitary features in the quartermaster and commissary departments." [91]

Orders for 1884 provided that "within thirty days after encampment, regimental commanders will forward, for publication in biennial report of this office, a detailed report, setting forth each day's proceedings, and such a record of the part taken by each company as to give it and its officers their full measure of credit." [92] Compliance with this order must have been unsatisfactory for such reports were not published until 1890.

In some cases, companies divided the annual clothing allowance among the men instead of using it to renew worn-out uniforms. Being paid, as it was, at the end of encampment, this money was in a way regarded as compensation for that service.[93]

On the whole, however, the camps were regarded as very

[91] *Report of the Adjutant General of Iowa*, 1885, pp. 63, 64.

[92] *Report of the Adjutant General of Iowa*, 1885, p. 64.

[93] *Report of the Adjutant General of Iowa*, 1885, p. 68.

successful. Indeed, the Adjutant General reported in 1885 that their success was "far greater than the strongest advocates of them had dared to hope for; and they had the hearty approval of both officers and men. They gave an opportunity for regimental officers to show their executive ability, and put regimental staffs to the test. Such marked improvement was noted everywhere that it was determined to hold the camps of 1885 in the same manner. Our experience leads me to the conclusion that the regimental camp is the elementary one and affords the best opportunity for the basis of instruction in drill, guard duty, discipline and kindred military duties. Two regimental encampments of each command will have imparted to both officers and men such familiarity with their respective duties that I am confident they can in the future be camped by brigades and be entirely free from the unmilitary features that, I regret to say, were painfully apparent at our last brigade encampments. The provision by the Twentieth General Assembly for the payment of officers and men alike of the nominal sum of $1.50 per day for the time spent in camp, has proved to be the wisest legislation ever enacted in the interest of the Iowa National Guard, and the good results of it will become more and more apparent each year. While it cannot be considered full compensation for the lost time from business, yet it greatly relieves hardworking young men to whom the time spent in camp was formerly a total loss from the year's earnings. Very many companies, possibly the majority of them instead of using the pay for time spent in camp for the personal benefit of the members, place it in the company treasury and use it for clothing, armory rent, and in the purchase of equipments that the State ought to furnish." [94]

Some of the companies were ordered under arms in 1884

[94] *Report of the Adjutant General of Iowa*, 1885, p. 4.

in anticipation of labor troubles. Companies B and C of the Second Regiment were held in readiness to settle mining difficulties at What Cheer. Company A, First Regiment, and companies A and H of the Third Regiment, were mobilized in anticipation of mine troubles at Angus, and a detail from Company A, Third Regiment, was called upon to enforce the orders of the Governor relative to State Auditor J. L. Brown. "In all of the above cases", wrote the Adjutant General, "the companies merit the high compliment of having turned out with great promptness and with more members present than ever before in their history; and of having conducted themselves so in accordance with strict military discipline as to lose sight of all feature of the controversy tending to their being ordered on duty, and to devote themselves solely to the execution of their orders."[95]

General Alexander, in 1885, again urged that the State issue uniforms in kind. For several years he had had a plan for securing blankets, blanket-bags, and canteens from the Rock Island Arsenal. He was finally successful, and in 1885, forty of each of these articles of United States regulation equipments were issued to each company.[96] More allowance for armory rent was urged, and instruction in target practice was suggested as worthy of more attention. The report of the Adjutant General continued to be filled with matters relating to the Civil War. Another appeal was made for a change in the time of making reports. Governor Sherman, too, in his message to the legislature, said he could not "too strongly urge the claims of the Iowa National Guard". He asked especially for an increase in appropriations for armory rents.[97]

[95] *Report of the Adjutant General of Iowa*, 1885, p. 8.

[96] *Report of the Adjutant General of Iowa*, 1887, p. 68.

[97] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. V, p. 366.

The encampments of 1885 were again held by regiments. The Secretary of War was requested to assign an officer of the Regular Army to assist in the instruction of the several regiments during the annual encampments, and to make a report of their condition to the Adjutant General of the Army. Lieutenant C. J. T. Clarke, of the Tenth United States Infantry was detailed for this duty and his report is well worth consideration. His appointment came too late for him to visit the First Regiment, but he was an unofficial visitor at the camp of the Second Regiment, and officially attended all of the others. His observations read in part as follows:

The Iowa National Guard is composed of fine material in point of physique and in moral qualifications; but a higher standard for its company officers is essential, and should be required. While I found most of the gentlemen occupying these positions well-informed as to their duties and painstaking in performing them, ever seeking information and never failing to profit by any given them, I regret to say there were many among them who were ignorant of the simplest duties of a commissioned officer. Wherever the best companies in point of drill and discipline were found, there also were the competent, best informed, and best instructed officers. The material in the ranks could not be better. An increase in the efficiency of the company officers is what should be aimed at. In the colonels and field officers I found the gentlemen of military experience, most of them having served during the rebellion. They were well informed as to their duties, and are men of inestimable worth to the National Guard. The regimental staff departments were, in the main, ably conducted by officers well chosen for the positions. . . . . I am informed that most of the companies have facilities at home for target practice, and that, as a consequence, many good shots are to be found in the Guard. The State allows one thousand rounds of ammunition a year for this purpose. I earnestly recommend that this be increased, and that proper attention be paid the subject at all succeeding encampments. The skirmish drill is of greatest importance, and would be a very important factor in any future war; for this reason I cannot too

earnestly suggest that necessary time and attention should be devoted to it. Guard duty being of paramount importance, and the time at the camp much too limited for the men to become even fairly posted in its duties, instruction ought to be given in company armories; this would be of great benefit to an organization on getting into camp. As the time at camp is usually well taken up by company and battalion drills, the school of the soldier should be attended to at home. Especially is the "setting up exercises" important. A man may be well drilled in the manual and company drill, but unless he has the position and can stand as a soldier should, he can hardly be termed one, and will appear far from well in the ranks. Too little attention is paid to military courtesies in the interchange of salutes at the different encampments. This being a recognized and essential feature of discipline, should not be neglected. I am satisfied, though, that this resulted more from want of proper instruction than from any other cause. I consider five days in camp every year much too short a time. From many conversations upon this subject with different members of the Guard, I am convinced an extension of the time to at least seven days would be acceptable to all, and at the same time accrue to the advantage of the State, which would be very manifest when its troops are called upon for active service. To have some portion of the regular troops at these encampments would, I am sure, be appreciated by the militia, and work many good results. I would especially call the attention of officers and guides to the importance of a thorough knowledge of theoretical tactics. If they are well informed in the subject, battalion drills will be found easy enough, as it is only essential that the privates should be properly posted in company drill to do their part well. The behavior of the men at the encampment was excellent. Although the camps had drinking saloons in their vicinities, I heard of no trouble or disturbance from this or any other cause while with the different regiments. To its Adjutant-General, W. L. Alexander, more than any one else, is the State indebted for the present good condition and fine organization of its militia. The General is most zealous and efficient in the discharge of his duties, and I personally owe him many thanks for much valuable information and aid in carrying out my instructions.

In closing this report, I desire to thank the officers and men of the Guard for their uniform kindness and courtesy while at their camps; at all of these I was handsomely entertained, was furnished

a horse, and was given all possible assistance in furthering the execution of my orders.

Very respectfully, your obedient servant,

C. J. T. CLARKE,

Second Lieutenant, Tenth Infantry.[98]

Target practice and competitive drilling for prizes were features of the 1885 camp.

Brigade encampments were ordered for 1886. The First Brigade camped on the fair grounds at Oskaloosa, where daily trotting and racing "marred the comfort of the camp by raising clouds of dust." The Second Brigade camped "in the grounds of an abandoned beer garden about two miles from Marshalltown." There were no competitive drills at these camps, but the Federal inspecting officer was asked to pick out the two best companies in each brigade, and they were each furnished the latest pattern of new Springfield breech-loading rifles.

An evil which is in evidence for years afterward is indicated in the General Orders which authorized the 1886 encampment. "The number of men", reads the order, "who, from various causes, find it impossible to go to camp until their comrades have quarters nicely arranged, and who find urgent business at home as soon as they have had a little visit with the boys, seems to be on the increase. Leave such men at home."[99]

The report of Colonel Richard I. Dodge, of the Eleventh United States Infantry, the Federal inspecting officer, was so thorough and so fearless that it can not be passed over without excerpts. In part he said:

There are a few companies in the Iowa National Guard whose marvelous perfection in all company exercises equals, if it does not surpass, the very best crack companies of militia of the Eastern

[98] *Report of the Adjutant General of Iowa*, 1887, pp. 84, 85.

[99] *Report of the Adjutant General of Iowa*, 1887, pp. 86, 90.

States. Of the forty-seven companies at least ten would do credit on drill to any Regular regiment of the Army. There are few companies which in instruction and drill are scarcely better than the "umbrella and cornstalk" militia of *ante bellum* days. The instruction and performance of the larger majority of companies lies between these extremes.

The material of rank and file is generally most excellent; indeed it is difficult to believe that better can be found in any State or country. . . . A man is elected captain by the votes of the men of the company. These are given, as a rule, without regard to his fitness for the position, but from personal popularity, the issue least likely to result in a good choice. Having once gained the position, the captain elected on personal and social grounds will naturally try to retain it by still being the "good fellow" and as easy as possible on "the boys;" the company becomes a mere machine for the advancement of the personal or political aims of the captain, and any military idea or obligation repugnant to this is ignored. The militia will never be what it ought to be — the grand standing army of the nation — until the present system is superseded by something better. If the election of officers by the rank and file be regarded as absolutely necessary to the system, the State should make an advance by requiring that the elected officers be examined as to military knowledge, qualification, and general fitness by a board of competent officers. . . .

Discipline was fairly maintained in both encampments. Men ran the guards and spent the night in town, shirking duty next day on plea of sickness, but the general result was much better than could have been expected, and this is due more to the general tractability and sense of honor of the men than to any fear of punishment. . . .

There is no attempt at target practice as it is understood in the U. S. Army. The State allowance to each company is but one thousand cartridges a year, which, if distributed among all the enlisted men would give each but two or three shots in the year. Recognizing the uselessness of this as practice, the present custom is to make up teams of six men from each company on the principle of the "old time" shooting matches, the men known to be the best shots being selected for the teams. During the encampment these teams shoot in competition with each other, the team making the best score winning the prize. . . .

There is no better material for soldiers in the world than is furnished by the State of Iowa. The gross deficiency of some companies is due to their isolation, to the laxity of the code, and to an indisposition (amiable but unmilitary) on the part of the higher authorities to interfere with them. There are companies in the Iowa Militia that in mechanical perfection of drill are the peers of any company in the world. There are other companies so deficient as to be utterly unworthy the name of soldiers. The State has full power to rectify this. A good army cannot be created by the personal popularity or political influence of its officers. It must be above (or below) these influences. Work, knowledge, ability, must be its pass-words. These, backed by proper legislative action, will insure to the little army of Iowa a proud place in the grand army of the States.

Even in this official paper I cannot refrain from the expression of my full appreciation of all the kindness and courtesies heaped upon me during my visits to these camps by all concerned.

To General Wright, General Beeson, and their staffs, I offer my very sincere thanks, not only for their personal kindness and hospitality, but for the full opportunity afforded me for thoroughly acquainting myself with the working of the machinery of the Iowa National Guard.

I am, sir, very respectfully, your obedient servant,

RICHARD I. DODGE,
Col. 11th U. S. Infantry.[100]

There was some difference of opinion as to whether encampment by regiments or brigades was preferable. Both systems had been tried out. "The expense is nearly the same," wrote the Adjutant General, "with a slight difference in favor of regimental camps. The varying conditions of the guard are such that sometimes the regimental camps are most successful and at other times the brigade camps seem best. The officers and men show the same desire to learn in all camps, and but for the large number of new men coming in each year, and the loss of old ones, by removal or expiration of term, there would be no question

[100] *Report of the Adjutant General of Iowa,* 1887, pp. 91, 92, 93, 94, 98.

but that the brigade camp would be attended with the best results".[101]

The Adjutant General seconded the suggestion of Colonel Dodge that the time spent in camp be lengthened. He reiterated his requests in the matter of uniforms, armory rent, and inspections. Urging the importance of target practice he said: "Many companies have given this subject much attention, and our marksmen have brought credit to Iowa when in competition with the best shots in the country, including the highest grade of marksmen from the United States Army. I am aware that rifle practice, carried to the extent it has been in the United State Army and in some of the States, has worked bad results. But to the end that we may have a system that will give every member of a company some training in this very essential branch of military instruction, I am of the opinion that a department of rifle practice should be established and thorough work on the range required."

In 1887 the annual Federal appropriation for militia purposes throughout the United States was increased to $400,000. This was the first increase since 1808, when the appropriation had been fixed at $200,000 annually. It was not again increased until 1900, when it was placed at $1,000,000 annually.

There was very little call for guard duty in connection with the civil administration during the biennium 1885-1887. Although some of the Guard had been warned to hold themselves in readiness for duty, the only active service performed was by companies A and E of the Third Regiment. The occasion was in the city of Des Moines on March 9 and 10, 1885, in response to the call of the sheriff of Polk County. A mob sought to release a prisoner from the county jail, and had carried their intentions so far as

[101] *Report of the Adjutant General of Iowa*, 1887, pp. 3, 4.

to slightly wound, with pistol shots, two of the sheriff's deputies. Capt. H. W. Parker, with Company A, cleared the court house yard and kept it clear until the excitement subsided and the sheriff and deputies were able to protect the jail and court house. As a result of the affair the Adjutant General suggested that a more prompt method of paying members of the Guard for active service be adopted.[102]

The camps in 1887 were by brigades—the First Brigade at Ottumwa and the Second Brigade at Waverly. Inspection was by Lieutenant Colonel E. C. Mason, Acting Inspector General for the United States Army. His report was similar to earlier reports. He was much impressed with the personnel of the Guard concerning which he made the following comment: "The cheerful obedience of the troops, the alacrity with which they responded to the calls of duty—not only under the favorable conditions attending the Waverly encampment, where the weather was cold enough for the most active exercise, but under the very trying circumstances of intense heat and blinding storms of dust that prevailed during the encampment of the First brigade at Ottumwa—impressed me with the feeling that the material of the Guard was excellent—a body of men capable of being moulded, by drill, discipline, and the stern experience that comes from active service in the field, into a splendid corps of soldiery."[103]

On the other hand, Colonel Mason reported that the forms of courtesy and discipline were slightingly attended to, and guard duty was indifferently done. While the general quiet and good order of the camps was noticeable, yet discipline in other respects was not as strict as it should have been. It was a rare thing for a soldier to recognize the presence

[102] *Report of the Adjutant General of Iowa,* 1887, p. 7.

[103] *Report of the Adjutant General of Iowa,* 1889, p. 106.

of an officer, either by standing at attention or giving the customary salute. In his opinion too much familiarity existed between the officers and the men; for good discipline required that, while under the colors, the social equality of civil life should give way to the reserve and arbitrary distinctions of the military system. For this reason he recommended that company and regimental officers should not mess with their men.[104]

It seemed impossible to make the men understand the importance of guard duty. "The average guardsman thinks he is only playing soldier," asserted the inspector, "and, unless under the immediate eye of his officer, or on some conspicuous post, is inclined to make an unwelcome duty as easy as possible. Hence, I was not surprised to find, in my quiet walks about the camps during the night, a sentry here and there off post, comfortably seated at the foot of a tree, and, if not asleep, at least oblivious to his surroundings."[105]

Colonel Mason suggested the advisability of having a battalion of regular infantry take part in the annual encampments of the Guard. "From my experience with the militia in years past", he wrote, "I was entirely unprepared to find the National Guard on such a high plane of discipline and general efficiency as I find it in the State of Iowa. The guard of that State is worthy of the support and confidence of the people, for it is a body of soldiers of which any State might be proud."[106]

In 1888 Governor Larrabee reported the Guard as "rapidly coming to a substantial basis, taking more pride in its full army equipment and ability to subsist itself, and in all its training to follow the methods of the United States

[104] *Report of the Adjutant General of Iowa*, 1889, p. 106.

[105] *Report of the Adjutant General of Iowa*, 1889, p. 107.

[106] *Report of the Adjutant General of Iowa*, 1889, p. 110.

army, rather than in taking on the showy, holiday appearance once so prevalent." He urged a law providing for payment of the guardsmen when called into the service of the State.[107] And, indeed, the legislature of that year, came very near passing some important military legislation. Senate File No. 271 provided for an extension of the summer encampment to a maximum of eight days. Armory rent was to be increased to $125, with $75 for each band, and twenty thousand dollars was to be appropriated for a uniform fund. This bill passed the Senate but was lost in the House in the last days of the session by a vote of 42 to 42. The Adjutant General urged the passage of this identical bill in 1890.[108]

In 1888 a return was made to the system of camps by regiments, largely due to new railroad legislation which made it necessary for the Guard to pay double the former rate. Camp sites were selected where transportation charges could be kept at a minimum.

The reports made on the encampments of 1888 were, in general, complimentary, but the criticism with regard to the "setting up" of the soldiers was repeated. The disparity in uniforms gave the Guard a "ragamuffin" appearance. It was recommended that all use the fatigue instead of the full dress uniform, and that all dress alike.

The behavior of the troops in camp was described in the following words:

> It was the best possible indication of the healthy moral tone and intelligent character of the young men composing the Guard. I saw no cases of drunkenness and heard no violent or abusive talk in any camp. There may have been cases of absence without leave at night, and there were some instances of boyish "skylarking" after

[107] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VI, p. 57.

[108] *Report of the Adjutant General of Iowa*, 1889, p. 5.

taps, but as a rule their conduct in camp was admirable and ought to be a matter of pride in the State.[109]

Again in 1889 encampments were by regiments. This year, upon request, the Secretary of War detailed two companies of the Second United States Infantry to camp with each regiment of the National Guard for purposes of demonstration and instruction.[110]

In addition Captain H. H. Ketchum of the Twenty-second United State Infantry spent the month of July holding regimental schools of instruction, principally in small arms firing, for the benefit of the officers of the respective regiments. The officers of the regular troops encamped with the Iowa Guard declared it to be "ably commanded, well officered, and the material of the rank and file of the very best; the discipline and behavior of the troops in the camps were very good; no disorders of any kind; no cases of drunkenness, nor noisy conduct was observed in any of the camps." The experiment of having regulars present was a success. The officers began to fraternize, the men caught the spirit, and the friendly commingling increased until it developed into enthusiasm.[111]

On October 9, 1889, William L. Alexander, Adjutant General of Iowa for slightly more than eleven years, resigned to accept a commission as Captain in the United States Army. The Iowa Guard was indeed fortunate to have this capable soldier in charge for so long a time during this formative period. Byron A. Beeson became Adjutant General and continued in office until May 1, 1890, when George Greene was appointed. General Greene served in this capacity for four years.

Governor Larrabee in 1890 again commended the Nation-

[109] *Report of the Adjutant General of Iowa*, 1889, p. 120.

[110] *Report of the Adjutant General of Iowa*, 1889, p. 125.

[111] *Report of the Adjutant General of Iowa*, 1889, pp. 98, 99.

al Guard to the General Assembly, asking specifically for a law requiring all railroads to transport its members at a rate not exceeding one cent a mile.[112]

Pursuant to a call issued by Adjutant General Beeson, a number of commissioned officers of the Guard assembled at Des Moines, on February 28, 1890, and formed a National Guard Association, for "the promotion of the welfare of the National Guard of the State, by the diffusion of military information and other kindred subjects, and to the promotion of the social intercourse of its members." All officers of the State Guard were eligible. The following January a second meeting was held at which "a number of valuable military papers were read and discussions of professional interest ensued." [113]

The year 1890 also saw coöperation between the militia organizations of Michigan, Minnesota, Illinois, Indiana, Wisconsin, and Iowa. The Military Rifle Association of the National Guard of the Northwest was organized and an inter-State rifle competition was decided upon as an annual event. The first meeting was to occur at the Wisconsin rifle range in September, 1890.[114] The men from Iowa were to be selected at the summer encampment, from specially drilled teams.

The encampments of 1890 were conducted on a mixed system. The First Brigade camped as a unit. The Second Brigade camped by regiments.

In an attempt to eliminate one abuse of these camps it was ordered that "no substitutes will be taken to camp and commanding officers of companies who issue clothing, arms, and equipment to any man not regularly enlisted in the

[112] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VI, p. 151.

[113] *Report of the Adjutant General of Iowa*, 1891, p. 14.

[114] *Report of the Adjutant General of Iowa*, 1891, p. 157.

Iowa National Guard, and permit him to go into camp will subject themselves to trial by court-martial." [115]

Two battalions of the Second United States Infantry were detailed to assist with the instruction and the larger force naturally proved more beneficial. Colonel Wheaton stated in his report that the most agreeable relations existed between the officers, non-commissioned officers, and privates of the National Guard and of the Regular Army, and after evening parade, when the daily routine and incessant camp duties were accomplished, the officers frequently exchanged visits. "It is a pleasure", said Colonel Wheaton, "to note the evident friendly feeling between the State and Regular companies exhibited at all our camps; many of our non-commissioned officers and privates renewed old friendships and made new ones during our month's tour." [116]

Officers seemed to take their duties lightly while at camp. Colonel Beeson of the First Regiment reported in 1890 that his attention was repeatedly called to the fact that officers did not appear to appreciate the responsibility of their positions. He emphasized this criticism in the following words:

> Send an orderly to company headquarters for an officer and nine chances out of ten he would return and report none there.
>
> If some one asked for one of the field or staff, more than likely no one knew where he was. This will not be tolerated in the future. An officer should never leave his post of duty — his place of business — without having some one there to tell where he had gone and when he might be expected to return.
>
> I do not mention the above to single out, for with one or two exceptions the rule was general. Shoulder straps will honor no man who has not the ability and desire to honor them. They mean responsibility.[117]

It is interesting to observe the various opinions of the

[115] *Report of the Adjutant General of Iowa*, 1891, p. 176.

[116] *Report of the Adjutant General of Iowa*, 1891, p. 87.

[117] *Report of the Adjutant General of Iowa*, 1891, pp. 93, 94.

commanding and inspecting officers with regard to the social features and recreational opportunities of camp life. Colonel Beeson wrote in 1890:

> The social feature of a camp like ours should receive attention. A chaplain, with the natural acquirements (as well as educated), can arrange a program for evening entertainments that makes camp life pleasant, profitable, and serves to furnish a pastime for the men that keeps them in camp rather than down town. The presence of ladies at headquarters adds to the moral influence of the camp and to the general impressions received by visitors that are of inestimable value.
>
> The religious service in the morning is a valuable feature of the daily routine. Men feel better after having paid their respects to an all ruling Providence and thanking Him for the blessings and privileges enjoyed, they feel that the day's work has been well begun.[118]

There was apparently held at Kansas City, Missouri, in 1890, an inter-State drill and encampment, for Company C, Second Regiment, was given permission to be absent from its post from May 31st to June 10th and to leave the State fully equipped for the purpose of attending. Permission was granted the National Guard of all States to enter and pass through Iowa, fully armed and equipped, for the purpose of attending this affair.[119]

Much attention was now being given to small arms firing. Instructors and inspectors were appointed liberally. Uniform regulations were prescribed. The Signal Corps, too, under Colonel James Rush Lincoln, Chief of Engineers, and Chief Signal Officer, received considerable attention. The medical department was also beginning to be emphasized. The manual of guard duty of the Regular Army was adopted. It was urged that there be a "Code of Regulations" prepared and published for the government

[118] *Report of the Adjutant General of Iowa,* 1891, p. 94.

[119] *Report of the Adjutant General of Iowa,* 1891, p. 163.

of the National Guard. Permanent camps were again urged by the Adjutant General.[120]

The National Guard and the Regular Army were being drawn closer and closer together. The Guard was making a determined effort to measure up more nearly to the standards of the regulars — and the Federal government was aiding them by a liberal assignment of Regular Army troops to militia camps for purposes of instruction. "It is a source of gratification," wrote General Greene in 1891, "to observe the growing spirit of good will evinced by the War Department for the State troops, as evidenced by the recent regulations by which experienced officers of the army are annually detailed for service with them during the field encampments. This custom has already had the effect of elevating the tone of the State service, as the feeling has become general that when the United States government, through that department exclusively devoted to the profession of arms, recognizes the utility, the merit and the trustworthiness of the citizen soldiery, and takes especial pains to manifest its appreciation, by acts of substantial and cheerful courtesy, it is due not only to the recipients of these courtesies, but to the government itself, that the former should demonstrate by every increasing efficiency, that these official attentions are not undeserved." [121]

In order that the National Guard might more closely approximate the organization of the Regular Army, it was urged that the forty-eight companies be consolidated into four three-battalion regiments, of twelve companies each, and that two troops of cavalry and two batteries of artillery be authorized.

Camps in 1891 were for four days only because of the small amount of money available. Lack of funds also kept

[120] *Report of the Adjutant General of Iowa*, 1891, p. 10.

[121] *Report of the Adjutant General of Iowa*, 1891, p. 6.

the War Department from detailing regular troops for participation in maneuvers. Inspecting officers, however, were assigned from the Regular Army.[122] One very successful feature of the camps in 1891 was a practice march by the Third Regiment from Indianola to Des Moines.

Captain Ketchum of the Twenty-second United States Infantry, who inspected the camps in 1890, had emphasized the importance of small arms firing and criticised the parsimony of the State in this particular. His report reads in part as follows: "The State allows them a very small supply of ammunition, compared with other States. This, of course, is another drawback to their proper advancement as proficient soldiers, for what is a soldier good for if he knows nothing of his arm or how to use it? He might as well be armed with mop handles and broomsticks. One soldier, an intelligent young fellow, while on the target range at the point of aiming asked me: 'Where shall I aim, Captain, along the side of the barrel or on top?' He closed both eyes, pulled the trigger, and the old rusty, dirty, fifty calibre nearly took him from his feet." [123]

In 1891 "in conformity with repeated recommendations of officers of the Army and inspectors of the State Service" annual company inspections in their home armories were instituted. This was found a much more thorough and satisfactory system than the brief inspection possible in camp.

Another important event of 1891 was the appointment of a board to prepare a code of regulations for the governance of the Iowa National Guard.[124]

Adjutant General Greene counted it "a great pleasure" to be able to report that no part of the Guard had been

[122] *Report of the Adjutant General of Iowa,* 1891, p. 222.

[123] *Report of the Adjutant General of Iowa,* 1891, pp. 126, 208.

[124] *Report of the Adjutant General of Iowa,* 1891, p. 228.

called into active service during the biennium ending September 30, 1891. Company E, First Regiment, had been warned to be ready for duty in the protection of property in the yards of the Chicago and Northwestern Railway at Clinton, threatened by some forty discharged switchmen, but their services were not needed. "It is worthy of special mention," says Colonel Frank W. Mahin, "that at no drill or parade since the original organization of the company has there been so large an attendance as appeared in response to this summons to possible sanguine conflict." [125]

The first legislation of any importance since 1878 was enacted in 1892, when extensive amendments were made to the Military Code. By chapter 31 of the *Acts of the Twenty-fourth General Assembly,* the National Guard became the first line of defense — the first to be called out in case of a requisition for troops by the President. The inactive militia was to be called upon to volunteer, or be drafted only in case of the insufficiency of the National Guard.[126]

A new system of drill regulations was adopted by the War Department on October 3, 1891, and to conform with these Federal regulations more closely, the organization of the Guard was changed to include "four regiments of infantry, and at the discretion of the commander in chief, of two batteries of artillery and two troops of cavalry", as recommended by the Adjutant General. The enlistment term was again fixed at three years, with re-enlistments for one, two, or three years at the soldier's election.

There was added to the Governor's staff a Judge Advocate General, a General Inspector of Small Arms Practice, a Chief of Engineers, a Chief Signal Officer, and an Assistant Adjutant General. The time of the report of the Ad-

[125] *Report of the Adjutant General of Iowa,* 1891, pp. 13, 14.

[126] *Laws of Iowa,* 1892, Ch. 31.

jutant General was changed to December 1st. Engineer and signal officers and instructors in small arms practice were also added to the various staffs.

Regiments could now include a maximum of twelve companies. Furthermore the commander-in-chief was given power to change at any time the organization of regiments, battalions, or companies so as to conform more nearly to the organization prescribed by the United States army. One State band of 36 pieces and four regimental bands of 24 pieces each were authorized.

The time of summer camps was increased to not more than ten days, and a graduated scale of pay for this service was instituted. Detail for special duty was authorized with expenses and compensation therefor. Provision was made for schools of instruction as well as inspections. The section relating to uniforms was amended by deleting the word "dress" leaving it "the uniform of the army of the United States".

The act of 1892 allowed the State to issue uniforms in kind or to pay the four dollars annual clothing allowance. The allowance for armory rents was raised to $100 per company. Ten thousand dollars additional per annum was the increase in appropriation granted by the Twenty-fourth General Assembly.

The reorganization of the National Guard necessitated by this revision of the Military Code, was effected by transforming the six eight-company regiments of infantry into four three-battalion regiments of twelve companies each. This change was made April 30, 1892, under the authority of General Orders No. 8, dated April 18, 1892. The companies were re-assigned so that for the first time the regiments were rather definitely localized, each in a corner of the State. All of the regimental Colonels and Lieutenant Colonels resigned to facilitate the reorganization, and new

elections were ordered. For the most part, the resigning officers were reëlected. The Dubuque and Davenport bands were continued in service, the others were mustered out. Later the Centerville band was reorganized and a new one organized at Sioux City. The State band, it appears, was never organized. The First Brigade was made up of the Second and Third Regiments, with headquarters at Centerville; the Second Brigade of the First and Fourth Regiments, with headquarters at Cedar Rapids.

Although the organization of cavalry and artillery was authorized by law, the appropriation was not sufficient to warrant it. Temporary organizations, however, were effected at several points throughout the State, prepared for muster in State service as soon as conditions would permit. Indeed, military spirit ran high, and frequent applications were received from all sections of the State for the organization of new companies. During the biennium immediately following the new militia legislation eight companies were disbanded and others secured to take their places.

The entire force of the Iowa National Guard was now armed with Springfield rifles, calibre 45, and the General Assembly in 1892 provided that their old arms and accoutrements might be distributed to high schools and colleges desiring the same. It is a significant fact that the demand far exceeded the supply.[127]

The interest in small arms firing and target practice was general and the officials encouraged it. In the inter-State rifle meet in 1892, held at Fort Sheridan, "Iowa men won four individual prizes, the Iowa team took second place and made a better score than ever before."[128] Lieutenant Sharpe reported that the results achieved in the past two

[127] *Laws of Iowa*, 1892, Ch. 32.

[128] *Report of the Adjutant General of Iowa*, 1893, p. 94.

years had amply justified all the expense of time and money devoted to target practice.[129] "Special incentives to increased activity have developed", reported General Greene, "as the troops have become fully equipped with the improved rifles and from the increased facilities afforded by more liberal allowance of ammunition the issue of skirmish targets, gallery targets for armory instruction, re-loading tools, etc., and by the award of badges and buttons to meritorious marksmen. A majority of the companies are now provided with rifle ranges which admit of practice at known distances, but the difficulty in securing safe ranges for practice in skirmish firing is so great that the progress in that branch of range work is greatly retarded."

Competitions were conducted between company teams in connection with the encampments of the Third and Fourth Regiments during the season of 1892, and at the camp of the Fourth Regiment during 1893, and profitable results were reported.[130]

In 1892 the First and Second Regiments were detailed for a tour of duty in connection with the World's Fair at Chicago. The Third and Fourth Regiments camped with a battalion of regulars for seven days at Sioux City. Prior to their service at Chicago the First Regiment had camped at Clinton on July 4th and 5th with expenses paid by the city. The detail of officers of the United States Army for duty with the National Guard as inspectors and instructors and the assignment of detachments of regular troops to participate in State encampments had now become an established policy with the War Department, and was certainly productive of good results.[131] It was suggested that an

[129] *Report of the Adjutant General of Iowa,* 1893, Appendix, p. 115.

[130] *Report of the Adjutant General of Iowa,* 1893, p. 17.

[131] *Report of the Adjutant General of Iowa,* 1893, p. 11.

army officer be permanently detailed as a member of the Governor's staff, a proposal which was effected soon thereafter.[132] Indeed, in the winter of 1892–1893, some six officers and twelve non-commissioned officers were assigned to the Iowa National Guard as instructors.[133]

In 1893 the First and Second Regiments were excused from camp, but paraded for drill at their company stations five days each. The Third and Fourth Regiments camped. Company rifle competitions were now important features of the annual encampments. State rifle teams were usually picked from these competitions and they shot some eight or ten days on the State range before going to the inter-State match.

The Medical Department and Signal Corps were now coming to the front and really amounting to something because of systematic instruction. The code of regulations for all branches had been completed. Lieutenant Sharpe in his report bore testimony to "the very efficient administration of military affairs . . . . under the management of Adjutant General Greene. Educated at a military academy, and having been long identified with the National Guard, General Greene's tireless energy in behalf of the troops, shows him to be the right man in the right place."[134]

Inspector General Lincoln's reports were always full of constructive criticisms and ideas for the betterment of the service. The men, he thought, could not be better than their officers, and it was for the officers to set the example. He discussed this responsibility in the following words: "The so-called social features of our camp life, and which give such a variety to the duties of the officer, it is to be feared is introducing into the guard habits that have a

[132] *Report of the Adjutant General of Iowa*, 1893, p. 11.

[133] *Report of the Adjutant General of Iowa*, 1893, Appendix, p. 99.

[134] *Report of the Adjutant General of Iowa*, 1893, Appendix, p. 117.

tendency to greatly hinder the enforcement of a true military discipline, if not enticing into the service men who seem to value the social as far above the military duties of the service. The fact that 'lights out' is to be obeyed alone in the company quarters, whilst officer's row is to remain illuminated until late at night, has a powerful influence in leading the enlisted men to seek amusements until a late hour, and the morning is too apt to bring both officers and men from their tent in a slovenly manner to a tardy reveille if not altogether omitted, and in poor physical condition for the labors of the day. Again, the lack of obedience to orders among the enlisted men can be traced in too many instances to a failure in obedience to superior authority of those above them, emphasized, too, by an unlimited amount of improper criticism upon the work and ability of superiors.'' [135]

National Guard companies rendered valuable aid at the time of the Pomeroy cyclone in 1893. Not only were they an aid to the civil authorities in the protection of property, but they also were active in relief work, caring for the injured, improvising refuges for the homeless, and feeding the entire town. Guard duty was especially trying at this time, because the scarcity of men made necessary ten hour shifts on guard, instead of the customary three hours on and six hours off.

One other danger called out Company I, Third Regiment, in November, 1893. It was rumored that there was to be an attempted lynching at Bedford. The presence of the militia prepared for trouble prevented any breach of the peace. General Greene used this incident to point a moral. ''In the above incident'', he wrote, ''it is a fact worthy of note that the moral effect of the mere presence of the troops was alone sufficient to preserve law and order and to pre-

[135] *Report of the Adjutant General of Iowa*, 1893, Appendix, p. 147.

vent conflict between the disturbing element and the civil authority. No higher compliment could be paid to the officers and men, or to the efficiency of the State troops; nor can a stronger argument be advanced in favor of a well-regulated military force prepared at all times to assist the civil authority in maintaining the supremacy of the law and protecting the lives and property of the citizens of the State." [136]

On February 1, 1894, John R. Prime was appointed Adjutant General. The organization, however, changed little during these years, except that a few minor changes were made by the General Assembly in 1894. The regimental staff was increased by the addition of a regimental commissary, engineer and signal officer, signal sergeant, and acting hospital steward. Provision was made, too, for the enlistment of four men each to the signal and hospital corps. The regimental commissary was provided to relieve the overworked quartermasters. The work of quartermaster was becoming important enough to be maintained separately. Indeed, the National Guard Association in 1893 adopted a resolution to the effect that the duties of the Adjutant General's department and Quartermaster General's department were too great to be performed by one chief; that they should be separated, and "that the best interests of the Guard will be conserved by the law, being made to require that the Adjutant-General and the Quartermaster-General be selected from the two political parties casting the largest number of votes at the election preceding their appointment." [137]

The Twenty-fifth General Assembly ended a long continued controversy by giving the Adjutant General a place in the capitol building. Shortly after this a Regular Army officer was permanently detailed to the Governor's staff.

[136] *Report of the Adjutant General of Iowa*, 1893, p. 24.

[137] *Report of the Adjutant General of Iowa*, 1893, p. 13.

"That the service is attracting the favorable attention of our citizens", wrote General Prime in 1895, "is evidenced by the spirited contest that takes place among the progressive and enterprising cities and towns of the state, whenever a vacancy occurs in the number of companies authorized by law, and the numerous applications and letters received by this department for authority to organize new companies." [138] Companies were being regularly mustered out for inefficiency, and others accepted in their places.

In 1894 the Guard camped by regiments and in 1895 by brigades. It was fast developing into a body of well trained troops. Brigadier General Wright wrote at the end of camp in 1895: "The uniform good conduct of the command during the tour of duty was the remark and pride of every old officer in the service, in fact it was almost a realization of the fondest anticipations of the early organizers of the guard. With the growing necessity for a strong reserve police force in the state, the guard is coming into favor with all classes of good citizens, and no other organization excites the patriotic pride of loyal people like a marching column of young soldiers." [139]

Inspector General Lincoln asserted in his report: "our guard has stepped from off the stage as exhibition soldiers, and has become in fact a body of soldiers not alone in name, but in ability to efficiently perform the various duties demanded in real service." [140] He was continually urging stricter requirements for officers, and appointments because of ability as shown by examination. It was largely through his efforts that there was established at Ames in 1895, an officers' school which became an annual affair. Attendance

[138] *Report of the Adjutant General of Iowa*, 1895, p. 5.

[139] *Report of the Adjutant General of Iowa*, 1895, p. 150.

[140] *Report of the Adjutant General of Iowa*, 1895, p. 169.

was small at first but gradually increased until most of the Guard officers were in attendance.

In 1895 a State rifle range was acquired. A tract of eighty acres between Cedar Rapids and Marion was leased for ten years at a yearly rental of two dollars per acre, and a range was constructed according to the most approved models, under the direction of a Regular Army officer.[141] A new departure in National Guard organizations in 1895 was a corps of bicyclers unofficially organized by Major Lyman.[142]

The Guard saw more service in aid of civil authorities in 1894 and 1895, perhaps, than during any other biennium. Iowa did not escape from the disorders, strikes, and threatened breaches of the peace which followed the great wave of industrial depression which swept over the country in 1893-1894. In every instance, the calls "were responded to with a promptness that could scarcely be excelled by regular troops in garrison".[143] The "occasional soldiers", thus called out "commanded order, suppressed lawlessness, protected life, property and labor, restored confidence and peace to the alarmed and distracted communities, and in every case, by their determined and soldierly bearing accomplished the purpose for which they were ordered out without firing a shot or engaging in serious conflict, thus forcibly illustrating the necessity and value of maintaining and amply supporting a thoroughly organized, well instructed and properly equipped body of citizen soldiery, the

[141] *Report of the Adjutant General of Iowa*, 1895, pp. 75, 76, 77.

[142] *Report of the Adjutant General of Iowa*, 1895, Appendix, p. 83.

Indeed, it is claimed that "the first practical use of bicycle corps for military purpose in the United States" was in Iowa in 1894 "in the transmission of intelligence by couriers from commanding officer at Chautauqua to the Adjutant-General at the transfer depot" in Council Bluffs, at the time of the arrival in Iowa of Kelly's contingent of Coxey's so-called Industrial Army.—*Report of the Adjutant General of Iowa*, 1895, Appendix, p. 55.

[143] *Report of the Adjutant General of Iowa*, 1895, p. 6.

moral effect of whose existence and presence will uphold law, prevent conflict and maintain order and good government." [144]

In January, 1894, Company L, of the Third Regiment, assisted the sheriff of Pottawattamie County in suppressing a mob and preventing a lynching. In April of the same year numerous companies were sent to Council Bluffs to preserve order when the Pacific contingent of Coxey's army under General Kelly arrived in Iowa. In April and May, 1894, four companies were dispatched to Muchakinock and Evans, mining camps near Oskaloosa, to protect miners who refused to go out on strike. In July, 1894, a strike of railway employees broke out at Sioux City in sympathy with the strike of that year at Pullman. Here almost a regiment of the Guard was called into service, and in addition a gatling gun detachment. In April, 1895, Company E, Second Regiment, was called for service in aid of the sheriff of Appanoose County, to protect miners at Cincinnati, Iowa, who refused to strike.

The question was raised as to the authority of the State to pay, out of the general funds of the State, claims for pay and subsistence of troops during these tours of service. The Executive Council approved them and ordered them paid, but the Auditor of State refused to issue warrants on the State Treasurer in payment of the claims. He contended that they should be paid out of the funds appropriated for the use of the National Guard.

Since the principle involved in this contention was considered vital to the very existence of the National Guard, and it was believed that all doubt should be removed at the earliest possible moment, mandamus proceedings were begun against the Auditor of State, in the district court of Polk County to compel him to issue the warrants. The

[144] *Report of the Adjutant General of Iowa*, 1895, p. 6.

case was carried to the Supreme Court and by unanimous opinion of the full bench, the warrants were ordered issued.[145]

As a result of this controversy, when the Military Code was revised in 1896, a section was included providing that "when in actual service of the state, in case of riot, tumult, or breach of the peace, or imminent danger thereof, pursuant to the order of the Governor, they shall receive the same compensation, transportation, subsistence, and quarters [as in time of insurrection or invasion] out of the state treasury, and for such services rendered upon the call of the sheriff they shall receive the same compensation, transportation, subsistence, and quarters from the treasury of such county, claims being audited and allowed in the former cases by the executive council and in the latter by the board of supervisors at its next session."[146]

The Twenty-sixth General Assembly also increased the annual appropriation to $45,000. Railroads were authorized to give reduced rates to the National Guard when in the service of the State. This did not bring about brigade camps, however, for they were held by regiments in 1896 and 1897. Tours of duty at the State rifle range, however, were for four days by brigade, with details of four men from each company, together with range officers and coaches, making an aggregate of about 120 officers and enlisted men present in each camp.

The annual encampments still retained features of the picnic spirit. Indeed, it appears that it was becoming more picnic-like than formerly. It was reported of the Second Regiment in 1897 that the "general discipline of the camp was fair." The report continued: "Several of the companies of this regiment have adopted a combination Indian

[145] *Report of the Adjutant General of Iowa*, 1895, pp. 43, 44.

[146] *Laws of Iowa*, 1896, Ch. 102, Sec. 51.

whoop and college class yell that gave a visitor at camp the impression that one-half of the command was drunk, or enroute to an insane asylum. I have no doubt that this inane, unsoldierly thing is what caused the imaginative newspaper reporters of Ottumwa to wire the leading papers of the state and Chicago that the men of the Second regiment were a lot of hoodlums and a disgrace to the state; that street cars were stopped to allow ladies to get off before reaching their destination because of insulting language of the men; that police officers were insulted and threatened with bodily injury. I investigated these reports and found there was no truth in them. Captain Caughlan, an official of the street car company, stated that none of their cars were stopped on account of the bad conduct of the men and their traffic was in nowise interfered with. The chief of police had not heard of any of his men being abused or threatened by men of the regiment."[147] And it was said of the camp of the Fourth Regiment: "that no disturbance occurred was partially due to the fact that the liberal-minded mayor of Ft. Dodge had given instructions to the policemen not to molest the men on the slightest provocation, but to allow them to enjoy themselves as long as they did not proceed too far in their merriment."[148] Entertainments for the men were held nearly every evening during camp in all parts of the neighboring cities.[149]

The officers, especially, were inclined to consider parade for drill a family vacation. Many of them took their wives and children with them. There were "too many women and children in camp, eating at the expense of the companies and the state, causing men to complain of short rations" was the report in 1897. "Women and children

[147] *Report of the Adjutant General of Iowa*, 1897, p. 98.

[148] *Report of the Adjutant General of Iowa*, 1897, p. 104.

[149] *Report of the Adjutant General of Iowa*, 1897, p. 90.

living in the company officers' tents, in such close proximity to the men, is not decent."[150]

There was a genuine effort at this time to make the National Guard a really efficient force. It was urged that examinations for officers be made an absolute requirement. The officers' school at Ames had developed a course of instruction invaluable to the Guard officers. It was divided into five departments: Tactics, Law, Engineering, Hygiene, and Strategy. There had been worked out a regular course of study, so that the men need not take the same course in successive years.[151] There was at this time too, a determined effort to improve the character of the enlisted personnel by requiring a higher physical standard for enlistments.[152]

At the special session of 1897 the *Code of 1897* was adopted. The new Military Title of the *Code* allowed an armory rent of $200 to each company, without increasing the total appropriation, and provided for the reorganization of the staff. "The military establishment in the state", it was said, "was getting top-heavy with staff officers and rank for those who perform no duty, except on ceremonial and social occasions."[153]

The Adjutant General was reduced in rank from Major General to Brigadier General. The number of his aids, of which he had thirty-seven in 1897, was fixed at seven. The brigade staff was reduced to "two aids, with rank of first lieutenant" instead of the more than a dozen Majors and Lieutenant Colonels who had composed it. The regimental staff was also reduced to "consist of an adjutant, with rank of captain; a chaplain, with rank of captain;

[150] *Report of the Adjutant General of Iowa*, 1897, p. 109.

[151] *Report of the Adjutant General of Iowa*, 1897, Appendix, pp. 155-159.

[152] *Report of the Adjutant General of Iowa*, 1897, Appendix, p. 65.

[153] *Report of the Adjutant General of Iowa*, 1897, p. 9.

a quartermaster, with rank of first lieutenant; a commissary of subsistence, with rank of first lieutenant; and an adjutant with rank of first lieutenant for each battalion."[154] Many of the officers taken from these staffs were included however in the enlarged medical and staff departments to be maintained as separate units.[155]

Colonel William H. Powell, of the Ninth United States Infantry, praised the Guard in 1897 for its development over former years. "On the whole", he wrote, "I regard the National Guard of Iowa as an exceedingly efficient body of men, which with thirty days' drilling would render them prepared to take position in any line of battle."[156] That is exactly what they were required for very shortly thereafter.

Melvin H. Byers was made Adjutant General, February 1, 1898, succeeding Henry H. Wright who had been appointed two years before. The National Guard of Iowa at this time comprised two brigades of infantry, each with two regiments of twelve companies, each regiment divided into three battalions of four companies each, making a total of forty-eight companies and four regimental bands, in all, 2,369 officers and enlisted men.

Adjutant General Byers anticipated the call for troops made by the President in April, 1898, and had the Iowa National Guard prepared for mobilization. Rigid physical examinations were held, companies were filled up with men who could go if called, and reserve members were held subject to call. The State fair grounds were secured for a possible mobilization camp.

The call of April 23, 1898, was for 125,000 volunteers. The Iowa companies were already assembled in their armories awaiting orders to move, each provided with two

[154] *Code of 1897*, Secs. 2176, 2178.

[155] *Code of 1897*, Sec. 2181.

[156] *Report of the Adjutant General of Iowa*, 1897, Appendix, p. 143.

days' rations. Trains were in readiness to move them to Des Moines. Late in the day of the 25th of April, the telegram came asking Iowa for three regiments of infantry and two batteries of light artillery. All four regiments of the Iowa Guard reported at Camp McKinley on April 26, 1898.

Difficulty was encountered in the fact that the call was for three regiments while there were four regiments on hand. Upon application, the order was changed on April 30, 1898, to four regiments of infantry. Accordingly the entire force of infantry was mustered into the service of the United States.

The designation of the new regiments was made a continuation of the numbers of the Iowa regiments engaged in the Civil War. Thus the First Regiment of the Iowa National Guard became the Forty-ninth Iowa Infantry Volunteers, which was mustered into service June 2, 1898; the Second Regiment became the Fiftieth Iowa Infantry Volunteers, which was mustered in on May 17, 1898; the Third Regiment became the Fifty-first Iowa Infantry Volunteers, which was mustered in on May 30, 1898; and the Fourth Regiment was mustered in on May 25, 1898, as the Fifty-second Iowa Infantry Volunteers.

Delay in mustering the troops into the United States service was due to the fact that it was necessary to secure permission from the War Department for the change in quota. Moreover, under the second call, of May 25, 1898, for 75,000 volunteers, it was necessary for Iowa to raise 1968 additional recruits to bring the four regiments up to war strength. Recruiting officers were stationed in different parts of the State, and in a few weeks the regiments were filled to the new maximum.

In addition to these four infantry regiments, Iowa furnished also two batteries of light artillery, a signal corps,

and a company of colored immunes for this conflict. Only two of the infantry regiments saw service outside the country. The Fifty-second Regiment remained at Chickamauga Park, Georgia, and the Fiftieth Regiment spent the summer at Camp Cuba Libre. The Forty-ninth Regiment, however, went to Cuba and the whole regiment, on January 1, 1899, participated in the ceremonies attendant upon the evacuation of Havana by the Spaniards. The Fifty-first Regiment took part in a number of the engagements of the Philippine expedition. Only one man of the entire four regiments was killed in battle while one hundred and twenty-five died of typhoid fever.[157]

When the four National Guard regiments were mustered into the United States service, all the members of these organizations were given honorable discharges from the Guard. This included not only those mustered into the United States service but also all officers and enlisted men who failed to volunteer in the United States service, and all who were rejected upon physical examination. Thus, in 1898, Iowa was left without a National Guard. There was a movement to organize a new Guard but it was decided to keep the places open for the troops upon their return to the State. Following the Spanish-American War, the veteran regiments returned to State service, and the Guard underwent a general reorganization.[158]

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[157] *Iowa and War*, No. 5, pp. 25, 26.

[158] *Report of the Adjutant General of Iowa*, 1899, pp. 5–14, 19.

THE INTERNAL GRAIN TRADE OF THE UNITED STATES 1850–1860 [1]

The internal grain trade of the United States during the period ending with 1860 [2] rested upon a territorial division of labor among the three great sections of the Union — the South, the East, and the West — which were in turn dependent upon foreign commerce. The South devoted itself "chiefly to the production of a few staples, turning out a great surplus of them for export and depending upon the other two sections for much of its agricultural produce,

[1] For a guide to the study of the agricultural history of the United States, see the writer's *Topical Studies and References on the Economic History of American Agriculture* (McKinley Publishing Company, Philadelphia, 1919).

[2] For a review of internal trade and transportation in the United States before the Civil War, see especially Day's *History of Commerce* (New Edition, 1914), Ch. XLVIII; Johnson's *History of Domestic and Foreign Commerce of the United States,* Vol. I, Chs. XIII, XIV; Way's *The Mississippi Valley and Internal Improvements, 1825–1840,* in the *Proceedings of the Mississippi Valley Historical Association,* Vol. IV, pp. 153–180; Cotterill's *Southern Railroads and Western Trade, 1840–1850,* in *The Mississippi Valley Historical Review,* Vol. III, pp. 427–441; Gephart's *Transportation and Industrial Development in the Middle West* in *The Columbia University Studies,* Vol. XXXIV, Chs. I–VIII; Meyer's *History of Transportation in the United States before 1860;* Bogart and Thompson's *Readings in the Economic History of the United States,* Ch. XVI; Callender's *Selections from the Economic History of the United States,* Ch. VIII; De Bow's *Industrial Resources of the Southern and Western States* (3 vols.); *Eighth Census of the United States,* 1860, Agriculture, pp. cxxix–cxxxiv, cxliv–clxix; *Report on the Internal Commerce of the United States* (Bureau of Statistics, Treasury Department), 1887, pp. 178–223. The last named reference presents an historical sketch of the Mississippi River trade from its earliest beginnings to 1860.

For maps showing navigable rivers, canals, and railroads in the United States in operation in 1840, 1850, and 1860, see Meyer's *History of Transportation in the United States before 1860,* plates 1 to 5 inclusive following page 654; Day's *History of Commerce* (New Edition, 1914), pp. 504, 507, 508, 512, 513.

nearly all of its manufactures, and to a large extent for the conduct of its commerce. Both its exports and imports were carried largely by northern shipping, went through northern ports, and were either actually in the hands of the northern merchants or financed by northern capital. The northwest devoted itself chiefly to agriculture, depending at first entirely upon the South for its markets, but gradually acquiring after 1840 a home market in the northeast and a foreign one in Europe. New England and the Middle States were devoted principally to commerce and manufactures by which they were enabled to supply the needs of the other two sections, depending at first upon their own farmers for their agricultural supplies and later drawing them partly from the southern seaboard slave states and partly from the northwest, especially from the region about the Great Lakes.

"The great streams of commerce which resulted from this territorial division of labor were, first, the trade on the western rivers consisting principally of agricultural produce sent down the river to the planters — little southern produce was brought back except sugar and molasses from Louisiana; second, there was a large coasting trade, consisting of manufactures sent from northern to southern ports with return cargoes of southern staples for the supply of the northeastern states or for export, supplemented by some food supplies for New England; third, there was the trade of the seaboard cities with the West, made up for the most part of manufactures, imported and domestic, sent westward over the canals to the Ohio or the Lakes, and intended to supply the western farmers or to be forwarded down the rivers to the planters of the southwest.

"Like the trade of the western rivers this trade between East and West was in the early times principally a movement of goods in one direction; for as already remarked,

little western produce found its way to the East until toward the end of the period. The Erie and Pennsylvania canals carried manufactures to the West but their east bound tonnage nearly all originated east of Buffalo and Pittsburg. The West paid for its manufactures from the proceeds of its sales of produce to the South in exactly the same way that New England and the Middle Colonies in the eighteenth century had paid for theirs by sales of produce to the West Indies. After 1850 the western produce sent east to tide water from the lake region became larger in amount than that which went down the rivers."[3]

The westward movement of population into the Mississippi Valley after the War of 1812 and the improvement of transportation facilities by the introduction of steamboat navigation on the western rivers, the construction of canals, and the extension of railroads into the region beyond the Allegheny mountains made possible that territorial division of labor which fostered the growth of a mutual economic dependence between geographic sections and the establishment of a predominant type of industry in each. That is to say, there was developed a rapidly growing tendency for each section to restrict its economic activities more exclusively to the production of those commodities for which it was best adapted. In this way each section produced a surplus of given commodities which were offered in exchange for the surplus commodities of other sections. Thus, there was developed that economic differentiation and mutual interdependence between sections which enabled the manufacturing and commercial East[4] to supply the

[3] Callender's *Selections from the Economic History of the United States*, p. 274.

[4] The East, or the manufacturing-commercial section, includes two groups of States: (1) the New England States of Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, and Vermont; and (2) the Middle Atlantic States of New York, Pennsylvania, New Jersey, Maryland, and Delaware. These two groups are also properly designated as the North Atlantic States.

South and West with merchandise, clothing, shoes, tools, and machinery, and the large quantities of imported articles required by these two sections; while the plantation South[5] was able to furnish the East with cotton for its factories and for export to Europe, at the same time supplying the North generally with sugar and molasses. The food-producing West,[6] on the other hand, was the region upon which the South and East were both becoming increasingly dependent for the breadstuffs and meat which constituted the leading products entering into the internal trade of the country.

It is the aim of this paper to review the significant features of the internal grain trade of the United States during the decade preceding the Civil War. These pages will be followed later by somewhat more detailed studies of the thirty-year period extending from 1860 to about 1890 which witnessed a complete revolution in American agriculture. This revolution made the United States the leading cereal producing and exporting country in the world and marked the emergence of those complex problems of distribution

[5] The South, or the planter section, includes Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Texas, Louisiana, and Arkansas.

[6] The West, or grain growing section, during this period, includes Ohio, Indiana, Illinois, Kentucky, Michigan, Wisconsin, Missouri, Iowa, Minnesota, and Kansas. It will be noted that Kentucky is listed as a western grain growing State.

While the "East" or the "North Atlantic Section" is a fixed term, being understood to include the six New England and the five Middle Atlantic States, the terms "South" and "West" are more or less elastic, depending upon the period and the subject under consideration. These three sections have been defined in accordance with the classification adopted by the Superintendent of the United States Census of 1860 in the report on agriculture. It will, therefore, be understood that this grouping of States is used in these pages. The Far Western States are omitted altogether from consideration in this paper, since they do not play an important rôle in the internal grain trade until after the Civil War when the trans-continental railroads bridged the gap between the Mississippi Valley and the Pacific Coast.

which to-day demand serious attention as the United States enters upon a period of reconstruction. The decade of the fifties prepared the stage for this great transformation which was hastened by the Civil War and completed before the close of the century. The present paper is therefore intended to furnish an historical background for these studies.

The internal grain trade had by 1860 become one of the leading economic interests binding the sections of the country together. Said the Superintendent of the United States Census of 1860: "The grain trade of the United States, viewed in all its features, is one of the chief marvels of modern commercial history. To trace its rise and progress would be almost to complete a record of the development of this entire continent, for it has been the leading agency in the opening up of seven-eighths of our settled territory. First, in the march of civilization, came the pioneer husbandman, and following close on his footsteps was the merchant; and after him were created in rapid succession our ocean and lake fleets, our canals, our wonderful network of railroads, and, in fact, our whole commercial system.

"The grain merchant has been in all countries, but more particularly in this, the pioneer of commerce, whether we refer to the ocean or the inland trade, and not till he was established could other commercial adventurers find a foothold. The commercial history of the United States is based mainly on breadstuffs — staples always marketable at some quotation wherever the human family dwells. . . .

"Commencing at an early period with the scant products of the Atlantic States, the grain trade was gradually pushed up the Hudson river as far as navigation would permit; and where that ceased, the Erie canal commenced and carried it to the Great Lakes. It was on the completion of

this great achievement that the real history of the grain trade of the United States began. Then it was that our 'inland seas' became the highway of a commerce which has already a magnitude surpassing that of many of the oldest European nations. Then it was that the vast territory west of the lakes, hitherto the home of the 'red man', and the range for the buffalo, became the attractive field for the enterprising pioneers of industry and civilization, who laid the foundations of what are now seven large and flourishing States of the Union, peopled by a population vigorous and hardy, and well calculated to succeed either in arts of peace or war.

"At the same time, the grain trade was steadily progressing up the Mississippi river into the heart of the west, and on whose banks were built large and flourishing cities, the great depots for nearly a quarter of a century for the products of the rich valley of that river.

"The grain trade has progressed, year after year, from small beginnings, till now it has become one of the leading interests of the country, and among the most important in its influence on the world, as on it depends much of the peace, happiness, and prosperity, not only of the people of the United States, but also of many of the kingdoms of Europe." [7]

A study of the grain trade of the United States shows that the production of corn has always exceeded that of wheat — amounting, as a matter of fact, to considerably more than half of all the other cereals (wheat, oats, barley, rye, and buckwheat) combined. As an article of commerce corn has not, however, been as important as wheat. The reasons for this are, first, that wheat is the most important breadstuff, constituting the article of prime necessity in the food consumption of the American people, and, second,

[7] *Eighth Census of the United States*, 1860, Agriculture, pp. cxxxv, cxxxvi.

that wheat is especially well adapted to the requirements of commerce. It has therefore occupied the leading place in the grain trade of the United States since the beginning of the Colonial era. Corn does not possess these advantages. It is better adapted to the local markets for feeding purposes, going to the ultimate consumer largely in the form of beef, pork, poultry, and dairy products. Even so, however, corn forms an important article of commerce, second only to wheat in the list of cereals. Thus while primary emphasis should be given to wheat in a study of the grain trade of the United States considerable attention should be accorded to corn. Oats rank third in importance among the cereals; and barley comes next; with rye and buckwheat occupying positions of minor significance in the grain trade.

A comparison of wheat production by geographic sections for the decades ending with 1850 and 1860 shows that the six New England States in 1850 with a population of 2,728,000 produced 1,091,000 bushels of wheat, or two-fifths of a bushel per capita; in 1860 these States with a population of 3,135,000 produced 1,083,000 bushels, or three-eighths of a bushel per capita. In 1850 the five Middle Atlantic States with a population of 6,573,000 produced 35,067,000 bushels, or five and one-third bushels per capita; in 1860 these States with a population of 8,258,000 produced 30,503,000 bushels, or three and two-thirds bushels per capita. The eleven Southern States in 1850 with a population of 7,349,000 produced 17,796,000 bushels, or two and one-half bushels per capita; in 1860 these States with a population of 9,103,000 produced 31,442,000 bushels, or three and one-half bushels per capita. On the other hand, in 1850 the ten Western grain growing States with a population of 6,380,000 produced 46,076,000 bushels, or seven and one-fourth bushels per capita; in 1860 these States with a population

of 10,219,000 produced 102,251,000 bushels, or ten bushels per capita. The whole United States in 1850 with a population of 23,192,000 produced 100,486,000 bushels, or four and one-third bushels per capita; while in 1860 the entire country with a population of 31,443,000 produced 173,105,000 bushels, or five and one-half bushels per capita.[8]

A similar study of the corn production of the United States for this period shows that the New England States in 1850 produced 10,176,000 bushels, or four bushels per capita; in 1860 they produced 9,165,000 bushels, or three bushels per capita. The Middle Atlantic States in 1850 produced 61,414,000 bushels, or nine bushels per capita; in 1860 they produced 75,399,000 bushels, or the same number of bushels per capita as in 1850. The eleven Southern States in 1850 produced 238,210,000 bushels, or thirty-three bushels per capita; in 1860 they produced 282,627,000 bushels, or thirty-one bushels per capita. In 1850 the ten Western States show the relatively high return of 280,881,000 bushels, or forty-four bushels per capita, which in 1860 (including the returns from Nebraska which were now reported for the first time) was increased to 470,190,000 bushels, or forty-five bushels per capita. The entire corn crop of the United States in 1850 amounted to 592,071,000 bushels, or twenty-six bushels per capita, which in 1860 was increased to 838,772,000 bushels, or a slight fraction over the per capita production of 1850.[9]

Although oats are of less significance as an article of commerce than either wheat or corn, it should be noted that the New England States produced about the same quantity of oats per capita as of corn; but while there was a per capita decrease in corn production from 1850 to 1860, the same period shows a per capita increase in the production of

[8] *Eighth Census of the United States,* 1860, Agriculture, pp. xxix–xxxiii.

[9] *Eighth Census of the United States,* 1860, Agriculture, pp. xlvi–li.

oats from three to three and one-half bushels. The Middle Atlantic States produced more oats in proportion to the number of people than any other section, the increase from eight to eight and one-half bushels being more than sufficient to offset the slight decrease in the production of corn but by no means enough to make up for the great decrease in the production of wheat. On the other hand, the Southern and the Western States both show decreasing returns for this period, the oats production of the Southern group declining from four and one-half bushels per capita in 1850 to only two bushels in 1860; while that of the Western group decreased from seven and one-half bushels per capita in 1850 to six and one-half bushels in 1860. The country as a whole shows a per capita decline in oats production from a little more than six bushels to less than five and one-half bushels.[10] Other cereals — barley,[11] rye,[12] and buckwheat[13] — occupy a very subordinate position in American agriculture as compared with wheat, corn, and oats, as shown by reference to Table I which gives the amount per capita of the different kinds of grains produced in the United States by geographic sections for the decennial years 1850 and 1860.

If the three principal breadstuffs — wheat, rye, and corn — be grouped together it will be found that New England in 1850 produced 12,837,000 bushels, or less than five bushels per capita, which was decreased by 1860 to 11,674,000 bushels, or less than four bushels per capita, or a decrease in proportion to population of twenty-seven per cent. The Middle Atlantic States in 1850 produced 105,859,000 bushels, or sixteen bushels per capita, which in 1860 was increased to

[10] *Eighth Census of the United States*, 1860, Agriculture, pp. lxiv–lxvii.

[11] *Eighth Census of the United States*, 1860, Agriculture, pp. lxviii–lxxi.

[12] *Eighth Census of the United States*, 1860, Agriculture, pp. lix–lxi.

[13] *Eighth Census of the United States*, 1860, Agriculture, pp. lxxi–lxxiv.

118,069,000 bushels — representing a decline to about fourteen bushels per capita, or a decrease in proportion to the number of inhabitants of nearly twelve per cent. In 1850

TABLE I

AMOUNT PER CAPITA EXPRESSED IN BUSHELS OF THE DIFFERENT KINDS OF GRAIN PRODUCED IN THE UNITED STATES BY GEOGRAPHIC SECTIONS FOR THE DECENNIAL YEARS 1850 AND 1860[14]

SECTIONS	WHEAT		CORN		OATS	
	1850	1860	1850	1860	1850	1860
NEW ENGLAND STATES	0.40	0.34	3.70	2.90	2.95	3.43
MIDDLE STATES	5.75	3.75	9.11	9.04	8.20	8.65
SOUTHERN STATES	2.47	3.49	30.83	30.83	4.46	2.18
WESTERN STATES	7.25	9.75	44.14	45.27	7.55	6.51
PACIFIC STATES	3.09	13.87	2.18	2.55	0.40	4.00
UNITED STATES AND TERRITORIES	4.33	5.44	26.04	26.12	6.32	5.49

SECTIONS	BARLEY		RYE		BUCKWHEAT	
	1850	1860	1850	1860	1850	1860
NEW ENGLAND STATES	0.15	0.38	0.57	0.42	0.22	0.30
MIDDLE STATES	0.56	0.54	1.57	1.47	0.96	1.40
SOUTHERN STATES	0.001	0.02	0.13	0.24	0.03	0.05
WESTERN STATES	0.11	0.43	0.19	0.49	0.25	0.41
PACIFIC STATES	0.05	7.88	1.001	0.10	0.002	0.07
UNITED STATES AND TERRITORIES	0.22	6.40	0.64	0.66	0.38	0.56

the Southern States produced 258,916,000 bushels, or thirty-five bushels per capita, which in 1860 was increased to 316,272,000 bushels, or the same amount per capita as in 1850. The Western States in 1850 produced 328,212,000 bushels, or fifty-one bushels per capita, which in 1860 was increased to fifty-six bushels per capita, or a per capita

[14] The statistics here given are taken from a table in the *Eighth Census of the United States*, 1860, Agriculture, p. cxxix.

increase of ten per cent. For the whole United States the production of wheat, rye, and corn amounted in 1850 to 706,746,000 bushels, or over thirty bushels per capita, which in 1860 was increased to 1,033,000,000 bushels, or nearly thirty-three bushels per capita — an increase in proportion to population of eight per cent.[15]

If all the cereals listed in Table I be combined, it will be found that the per capita production of New England in 1850 amounted to only 7.99 bushels, which in 1860 declined to 7.77 bushels, thus showing a decline of .22 bushels per capita. The Middle Atlantic States produced 26.15 bushels in 1850 and 24.85 bushels in 1860, showing a decrease of 1.30 bushels per capita. In 1850 the Southern States produced 37.92 bushels and 36.81 bushels in 1860, which shows a decrease of 1.11 bushels per capita. The Western States, on the other hand, show an increase of from 59.62 bushels in 1850 to 62.96 bushels in 1860, or an increase of 3.34 bushels per capita, which was more than enough to make up for the decreased production of the East and South.[16]

The foregoing analysis by geographic sections of the per capita production of the six leading cereals — wheat, corn, oats, rye, barley, and buckwheat — shows the extent to which the manufacturing-commercial East and the cotton-growing South had by 1860 given way to the food-producing West in the production of grain, thus illustrating that territorial division of labor — mentioned at the beginning of this paper — which determined the general character of the internal trade during this period.

But a small proportion of the wheat produced in the United States before 1860 was exported. Of the 100,486,000 bushels produced in 1850, only 7,536,000 bushels were

[15] *Eighth Census of the United States*, 1860, Agriculture, pp. lxi–lxiii.

[16] *Eighth Census of the United States*, 1860, Agriculture, pp. lxi–lxiii.

exported, leaving 92,486,000 bushels, or four bushels per capita, for home consumption; while of the 173,105,000 bushels produced in 1860, only 17,213,000 bushels were exported, leaving 155,892,000 bushels, or five bushels per capita, for home use.[17] While the production and export of wheat varied from year to year, due to seasonal variations and foreign market fluctuations, the years 1850 and 1860 were comparatively normal years, hence the wheat available for home consumption, amounting to four bushels in 1850 and five bushels in 1860, represents a fair average for the ante-bellum period. The increase of one bushel per capita for home consumption during the decade shows a growing tendency on the part of the people to consume more wheat as transportation and milling facilities were improved.

Assuming an even distribution of wheat consumption throughout the country, it will be seen that in 1860 New England had a deficit of four and five-eighths bushels of wheat per capita, the Middle Atlantic States of one and one-third bushels, and the Southern States of one and one-half bushels; while the Western grain growing States had a surplus of five bushels per capita. The East and the South were therefore placed in a dependent relation to the West which was able alone to furnish the wheat needed to supply the growing deficits of these two sections. The dependence of the East was still further accentuated by the fact that this section consumed more wheat than the five bushels per capita average for the entire country.[18] This may reasonably be assumed for the following reasons:

[17] *Eighth Census of the United States*, 1860, Agriculture, p. cxliv; *Annual Report of the Commissioner of Agriculture*, 1868, pp. 47, 48.

[18] This statement is supported by Governor Andrew of Massachusetts in a message to the State legislature in which he described the dependence of New England on western wheat. His remarks are quoted in the *Eighth Census of the United States*, 1860, Agriculture, p. cxlv.

first, the Atlantic States were settled primarily by the English who for centuries had been consumers of wheat in their island state, and who upon emigrating to America gave special attention to providing themselves with this foodstuff; second, the milling industry was concentrated for the most part in the East, thus affording this section an advantage over the other sections in using wheat as a breadstuff; and, third, the East was provided with better means of transportation which facilitated the distribution of both wheat and flour among the people concentrated largely in the towns and cities on the seacoast and the rivers.

While these considerations lead to the conclusion that the East consumed more than five bushels per capita, it is reasonable to assume that the South used less than this amount. It is an established fact that corn rather than wheat was the principal breadstuff of the negro population. The same may be said to have been largely true of the white non-slaveholding population of the back country, living remote from the channels of the wheat trade and devoted principally to the raising of corn and hogs. The slave holding population, too, was accustomed to using corn, though principally dependent on wheat, as a breadstuff. Even to-day it is conceded that the South generally consumes more corn than the North. These considerations justify the assumption that the South must have consumed less than the general average of five bushels per capita for the whole nation, thus lessening its dependence on the West. But even so, it is estimated that the South purchased an average of 10,000,000 bushels of wheat annually from the North in the decade ending with 1860[19]—which amount added to the wheat production of this section in the latter year, would give the South four and one-half bushels per capita for domestic use.

[19] Fite's *Social and Industrial Conditions in the North during the Civil War*, note 1, p. 18.

The pioneer West for obvious reasons, (among which may be mentioned the type of settlers, the conditions of frontier life, and the comparative absence of the facilities enjoyed by the East for using wheat as a breadstuff) may be assumed not to have exceeded five bushels per capita for home use; though as transportation and market facilities were developed and the milling industry was moved westward, this section, showing a decided preference for wheat, increased its per capita consumption of this article.

As already explained, corn as an article of commerce is of less significance than wheat. Consequently, even a smaller proportion of the amount produced has been exported. Of 592,071,000 bushels produced in 1850, only 6,595,000 bushels were exported; while of the 838,772,000 bushels produced in 1860, but 15,449,000 bushels were exported.[20] By far the greater proportion of corn was therefore consumed at home. But corn is largely an animal food, reaching the ultimate consumer mainly in the form of meat, dairy, and poultry products. In determining the actual extent to which the East and the South were dependent on the West in respect to this article, it therefore becomes necessary to consider the corn-growing industry in relation to the live-stock, dairy, and poultry industries. But even so, the East and the South, as the United States Census of 1860 shows, were fast becoming dependent on the West for corn as well as for live stock and live stock products. Thus while corn goes to market principally in the form of the latter, and has an important relation to the live stock markets, its importance as an article of commerce only will be considered in this paper.

The rise and development of the internal grain trade of the United States may really be said to date from the com-

[20] *Eighth Census of the United States*, 1860, Agriculture, p. cxliv; *Annual Report of the Commissioner of Agriculture*, 1868, pp. 49, 50.

pletion of the Erie Canal in 1825. This new avenue to the West stimulated the westward flow of the tide of immigration from the Eastern States and from Europe into the fertile prairie country along the Great Lakes frontier, at the same time opening up a route for the direct shipment of western grain to the East. Before that date the only outlet for western products was the Mississippi River. The South therefore had become the market for the surplus grain and live stock of the Upper Mississippi Valley, not only consuming increased amounts of this surplus as it devoted more attention to the raising of the staple plantation products, but also exporting great quantities to the Eastern States and to Europe. New Orleans thus had become the great export trade center.

The completion of the Erie Canal, however, and the construction of the Welland Canal in 1833, connecting Lake Erie with Lake Ontario, opened two avenues to the Atlantic Coast: one by way of the Hudson River to New York City and the other by way of the St. Lawrence River direct to Great Britain and the continent of Europe. As the settlement of the Great Lakes region proceeded, the amount of grain diverted to the eastward steadily increased. The development of the canal system [21] in the thirties and forties, followed by the rapid extension of railroads into the Middle West [22] in the fifties gave a further stimulus to the westward movement, at the same time diverting more and more of the western surplus grain from the southern to the eastern routes and trade centers.

The Mississippi River no longer enjoyed a monopoly of

[21] For an account of the development of waterways and canals in New York, Pennsylvania, and the Middle West, see Meyer's *History of Transportation in the United States before 1860*, Chs. VII, VIII, IX.

[22] For an account of the extension of railroads into the West before the Civil War, see Meyer's *History of Transportation in the United States before 1860*, Ch. XVI; *Statistical Abstract of the United States*, 1885, pp. 195, 196.

the western surplus grain trade. But this fact should not be interpreted to mean that there was a decrease in the grain and flour traffic on that highway of commerce, for this traffic was maintained at a generally high level until the opening of the Civil War decade. This is shown in Tables II and III by the receipts of grain and flour at St. Louis and New Orleans for the eleven-year period (1850 to 1860 inclusive).

TABLE II

RECEIPTS OF FLOUR AND GRAIN AT ST. LOUIS[23]
(Compiled from statistics of St. Louis Chamber of Commerce)

YEARS	FLOUR (BARRELS)	WHEAT (BUSHELS)	CORN (BUSHELS)
1850	306,463	1,794,721	
1852	132,050	1,645,387	755,258
1854	192,945	2,126,272	1,784,189
1856	323,446	3,747,224	938,546
1858	387,451	3,835,759	892,104
1860	443,196	3,555,878	4,209,794

YEARS	OATS (BUSHELS)	RYE (BUSHELS)	BARLEY (BUSHELS)
1850			
1852	848,850		91,662
1854	1,777,873		114,160
1856	1,132,932	44,210	127,210
1858	1,690,010	45,900	290,350
1860	1,789,234	158,974	291,130

Table II shows that the grain and flour receipts of St. Louis maintained a high level throughout this period; while Table III shows that the receipts of New Orleans likewise remained steady until 1858, after which there was a sharp decline in the wheat and flour receipts, though this

[23] The statistics given here are taken from a table in the *Eighth Census of the United States*, 1860, Agriculture, p. clvi.

decrease was in part offset by an increase in the corn and oats receipts.

Table III

Receipts of Flour and Grain at New Orleans[24]
(Compiled from statistics of New Orleans price current)

Years	Wheat (Barrels and Sacks)	Flour (Barrels)	Corn		Oats (Barrels and Sacks)
			Shelled (Sacks)	In Ear (Barrels)	
1850	57,508	591,986	1,114,897	42,719	325,795
1852	64,918	927,212	1,397,132	163,008	463,273
1854	184,943	874,256	1,740,267	48,404	586,451
1856	869,524	1,120,974	1,990,995	41,924	587,180
1858	401,275	1,538,742	1,289,665	62,405	568,649
1860	13,116	965,860	1,722,039	36,092	659,550

Table IV

Exports of Flour and Grain from New Orleans to Foreign Ports[25]
(Compiled from official documents)

Year Ending June 30th	Flour (Barrels)	Wheat (Bushels)	Corn (Bushels)	Rye, Oats, etc. (Value)
1856	251,501	1,096,733	2,941,711	$67,892
1857	428,436	1,353,480	1,034,402	2,172
1858	474,906	596,442	1,134,147	885
1859	133,193	107,031	111,522	1,029
1860	80,541	2,189	224,382	1,943

[24] The statistics given here are taken from a table in the *Eighth Census of the United States*, 1860, Agriculture, p. clvi.

[25] The statistics given here are taken from a table in the *Eighth Census of the United States*, 1860, Agriculture, p. clvii.

But, while the grain and flour traffic of the Mississippi River continued to be in a flourishing condition from 1856 to 1860, the same period witnessed the total collapse of New Orleans as an export grain and flour center, as shown by Table IV.

The foregoing tables show: first, that in 1860 New Orleans was no longer of any importance as an exporting center for the grain and flour of the West destined for the Eastern States and for Europe; and second, that the Mississippi River continued, in the absence of north and south railroads, which were not constructed until after the Civil War, to be the great highway of commerce for grain and flour, not to mention the other surplus products which the South, as already pointed out, was purchasing in increasing amounts from the grain and live stock kingdom which was being founded in the North Central region. That is to say, while the rapidly growing export trade was being shifted from the western rivers to the eastern canals and railroads, the interior trade of the Mississippi Valley continued to remain steady, showing no marked signs of being disturbed by the changing routes for the export trade. Steamboats conducted a huge traffic on the Ohio and Mississippi rivers, carrying large consignments of wheat, corn, flour, pork, bacon, poultry, hogs, horses, and mules down the river and returning up-stream with cargoes of sugar, molasses, cotton, and tobacco.[26]

Cincinnati, Louisville, St. Louis, Nashville, Memphis, and New Orleans were prosperous trade centers in this north and south traffic. So extensive was this intra-valley trade that it gave the two sections a consciousness of economic

[26] The fact that the Mississippi River trade, though greatly increased, represented a far smaller proportion of the total traffic of the Valley, which had grown enormously but had been largely diverted by the railroads, is discussed in the *Annual Report on the Internal Commerce of the United States*, 1887, p. 215.

interdependence, of solidarity and contentment, which had a potent bearing on the relation of the West to the South and East respectively during the first two years of the war period.

Thus, while the intra-valley trade had by 1860 developed to such proportions as to create between the West and the South a consciousness of economic solidarity, a rapidly growing volume of western grain and flour destined for the Atlantic seaboard and for exportation was being diverted from the southern to the eastern routes. This traffic consisted largely of the surplus grain grown in the ever-widening area of cereal production in the new western prairie country skirting the Great Lakes frontier. That there was a remarkable growth in the volume of this trade is shown by a study of the receipts of the primary grain and flour markets situated along the highways of commerce.

TABLE V

SHIPMENTS SOUTH AND EAST FROM CINCINNATI[27]

ARTICLES	1857-1858		1858-1859	
	SHIPPED SOUTH	SHIPPED EAST	SHIPPED SOUTH	SHIPPED EAST
Flour (bbls.)	162,565	445,650	17,569	544,570
Wheat (bu.)	30,446	601,214	1,182	270,531
Corn (sacks)	1,927	17,225	3,707	24,796

ARTICLES	1859-1860	
	SHIPPED SOUTH	SHIPPED EAST
Flour (bbls.)	92,919	385,389
Wheat (bu.)	11,341	310,154
Corn (sacks)	23,640	25,227

Among these primary markets Cincinnati may be mentioned as illustrating to a marked degree the change that

[27] The statistics given here are taken from a table in the *Eighth Census of the United States*, 1860, Agriculture, p. clviii.

was taking place in the general direction of the internal grain trade. As the chief distributing point on the Ohio River, it occupied a strategic position with reference to the intra-valley trade. By 1857, however, it had already become of greater significance as a distributing point for eastward shipments. This is shown by Table V which gives the comparative amounts of wheat, wheat-flour, and corn shipped south and east respectively for the three-year period ending with 1860.

The importance of Cincinnati as a primary grain market was due chiefly to the flour trade. Thus while the wheat shipments in 1859–1860 amounted to 321,000 bushels, the flour shipments totalled 478,000 barrels. The great bulk of both the wheat and flour was diverted eastward over the

TABLE VI

RECEIPTS OF FLOUR AND GRAIN AT BUFFALO[28]

YEARS	FLOUR (BARRELS)	WHEAT (BUSHELS)	CORN (BUSHELS)	OATS (BUSHELS)
1850	1,103,039	3,681,347	2,593,378	357,580
1852	1,299,513	5,549,778	5,136,746	2,596,231
1854	739,756	3,510,782	10,108,983	4,401,739
1856	1,126,048	8,465,671	9,633,277	1,733,382
1858	1,536,109	10,671,550	6,621,668	2,275,241
1860	1,122,335	18,502,649	11,386,217	1,209,594

YEARS	BARLEY (BUSHELS)	RYE (BUSHELS)	TOTAL FLOUR AND GRAIN (BUSHELS)
1850	3,600		12,059,559
1852	497,913	112,251	20,390,504
1854	313,885	177,066	22,252,235
1856	46,327	245,810	25,753,907
1858	308,371	125,214	27,812,980
1860	262,158	80,822	37,053,115

[28] The statistics given here are taken from a table in the *Eighth Census of the United States*, 1860, Agriculture, p. cxlviii.

canals and railroads, while only a relatively small remaining portion entered the intra-valley trade. The corn shipments were negligible but growing.

Buffalo, however, had for a number of years been the most important transit trade center for western grain. As early as 1840 the total grain receipts of this trade center amounted to 4,062,000 bushels. Five years later the total receipts were 5,582,000, but in 1846 they suddenly mounted to 13,366,000 bushels. The receipts continued to rise with slight fluctuations until 1856 when the figure of 25,754,000 bushels was reached. The next five years witnessed an increase of over 11,000,000 bushels as shown by Table VI which gives the receipts of flour and the different kinds of grain for the decennial period ending with 1860.

The growth of the grain trade on the Great Lakes was very rapid. West of Buffalo were Cleveland and Toledo, the two leading lake cities of Ohio. The Ohio Canal between Portsmouth and Cleveland, (completed in 1832), diverted the surplus grain of Pennsylvania, Kentucky, and Southern Ohio, which had formerly gone down the Mississippi River, to the eastern routes. In 1842 the shipments of farm products from Cleveland were valued at $4,431,000, which was equal to the value of shipments from New Orleans. By 1846 the wheat and flour receipts of Buffalo were equal to the receipts of New Orleans.[29] Toledo for many years shipped more grain by way of the Great Lakes than any other city except Chicago, the receipts coming in from Ohio, Indiana, and Kentucky, and later from Illinois and Missouri. By 1859 Toledo's grain receipts amounted to 6,467,000 bushels, which in 1860 were increased to 14,505,000 bushels.[30] Detroit was another important grain market on

[29] *Annual Report on the Internal Commerce of the United States*, 1887, pp. 210, 211.

[30] *Eighth Census of the United States*, 1860, Agriculture, p. cxlix.

the Great Lakes. It was the market for the grain and flour of Michigan and the forwarding point for the large shipments that came from Chicago.

As the frontier became settled and grain raising developed in the interior, other primary markets were established on the highways of commerce. Among these was Chicago whose receipts far exceeded those of her competitors. The first consignment of grain, amounting to 78 bushels of wheat, was shipped from Chicago in 1838. This was rapidly increased until 1846 when the shipments amounted to 1,600,000 bushels. Corn, oats, and rye shipments were then added to supplement wheat and flour. The decade of the fifties witnessed a marvellous expansion of the grain and flour trade as shown by Table VII.

TABLE VII

SHIPMENTS OF FLOUR AND GRAIN FROM CHICAGO[31]
(Compiled from statistics of the Board of Trade)

YEARS	FLOUR AND WHEAT (BUSHELS)	CORN (BUSHELS)	OATS (BUSHELS)
1850	1,387,989	262,013	186,054
1852	941,470	2,757,011	2,030,317
1854	2,644,860	6,837,899	3,239,987
1856	9,419,365	11,129,668	1,014,547
1858	10,909,243	7,493,212	1,498,134
1860	15,892,857	13,700,113	1,091,698

YEARS	RYE (BUSHELS)	BARLEY (BUSHELS)	TOTAL FLOUR AND GRAIN (BUSHELS)
1850		22,872	1,858,928
1852	17,315	127,028	5,873,141
1854	41,153	148,421	12,902,320
1856	590	19,051	21,583,221
1858	7,569	132,020	20,040,178
1860	156,642	267,749	31,109,059

[31] *Eighth Census of the United States*, 1860, Agriculture, p. cxlix.

By 1860 Chicago had achieved significance as the foremost primary grain market, the total shipments in that year amounting to 31,000,000 bushels, more than half of which consisted of wheat and flour.

TABLE VIII

SHIPMENTS OF FLOUR AND GRAIN FROM MILWAUKEE[32]
(Compiled from statistics of Chamber of Commerce)

YEARS	FLOUR (BARRELS)	(WHEAT (BUSHELS)	CORN (BUSHELS)
1850	100,017	297,578	5,000
1852	92,995	564,404	2,220
1854	145,032	1,809,452	164,908
1856	188,455	2,761,979	218
1858	298,688	3,994,213	43,958
1860	457,343	7,568,608	37,204

YEARS	OATS (BUSHELS)	RYE (BUSHELS)	BARLEY (BUSHELS)	TOTAL FLOUR AND GRAIN (BUSHELS)
1850	2,100		15,270	820,033
1852	363,841	54,692	322,621	1,772,753
1854	404,999	113,443	331,339	3,549,301
1856	5,443		10,398	3,720,313
1858	562,067	5,378	63,178	6,162,234
1860	64,682	9,735	28,056	9,995,000

Milwaukee meanwhile had forged ahead to third place among the primary grain markets of the western lake region with good prospects in 1860 of superseding Toledo, which held second place. The grain shipments from this trade center amounted to 133,000 bushels in 1845 and to 1,076,000 bushels in 1848. After 1850 the Milwaukee grain and flour

[32] The statistics given here are taken from a table in the *Eighth Census of the United States*, 1860, Agriculture, p. cl. Racine was the grain center next in importance on Lake Michigan. For a time it tried to secure the bulk of the grain and flour trade which centered in Milwaukee, but was forced to yield to its competitor. Other Lake Michigan ports were Kenosha, Waukegan, Sheboygan, Port Washington, Green Bay, Manitowoc, St. Joseph, and Michigan City.

shipments increased rapidly, as shown by Table VIII, rising from 3,720,000 bushels in 1856 to 9,995,000 bushels in 1860.

Thus, by 1860 the internal grain trade of the United States had become centered in five great primary markets: St. Louis, Chicago, Milwaukee, Toledo, and Cincinnati. These cities had become the centers where the vast surplus quantities of grain and flour were concentrated for shipment to the East and South for home consumption and to the Atlantic seaboard for exportation to Europe. Toledo had become the primary market for Ohio and Indiana, Chicago for Illinois, and Milwaukee for Wisconsin; while St. Louis continued to be the primary market for a vast portion of the Upper Mississippi River region, and Cincinnati the principal distributing center on the Ohio River, though the

TABLE IX

NEW YORK RECEIPTS OF FLOUR AND GRAIN AT TIDE-WATER BY THE ERIE AND CHAMPLAIN CANALS[33]

YEARS	FLOUR (BARRELS)	WHEAT (BUSHELS)	CORN (BUSHELS)
1850	3,256,077	3,670,754	3,228,056
1852	3,464,108	6,754,946	5,411,643
1854	1,249,453	3,523,800	12,839,572
1856	1,130,509	11,776,332	9,587,714
1858	1,898,908	8,324,966	6,660,893
1860	1,149,100	11,176,000	14,155,500

YEARS	OATS (BUSHELS)	BARLEY (BUSHELS)	RYE (BUSHELS)
1850	2,469,637	1,744,867	472,305
1852	3,857,487	2,280,485	279,314
1854	5,353,125	1,895,208	184,332
1856	6,960,412	2,082,832	1,285,535
1858	5,180,312	3,058,417	461,786
1860	6,490,900	2,967,600	332,100

[33] The statistics given here are taken from the *Annual Report of the New York Produce Exchange, 1872–1873*, p. 391.

territories surrounding the two last named cities were already being invaded by the railroads.

New York City had achieved the distinction of being the foremost grain market in the whole country; while Buffalo, by virtue of its strategic position between Lake Erie and Lake Ontario and at the western terminus of the Erie Canal, had become the great transit trade center for the western grain and flour, the bulk of which was destined for that great eastern commercial metropolis.

Table IX shows that the total grain and flour receipts of New York City via the Erie and Champlain canals and the Hudson River — already considerable in 1850 — had increased from 27,866,000 bushels in that year to 41,122,000 bushels in 1860, the receipts of the latter year consisting of 11,176,000 bushels of wheat, 1,149,000 barrels of flour, 14,156,000 bushels of corn, 6,491,000 bushels of oats, 2,968,000 bushels of barley, and 332,000 bushels of rye. The total receipts of New Orleans in the same year amounted to only 5,199,000 bushels.[34] It will be seen, therefore, that the total grain and flour receipts of New York City in 1860 via the water routes were equal to eight times the receipts of New Orleans in the same year. Thus had New York City left New Orleans far behind in the competitive race for western grain and flour, though what New Orleans lost in the products of the Upper Mississippi Valley she more than made up in the growth of her cotton trade in which she gained the ascendency.[35]

Philadelphia and Baltimore, which had been the leading trade centers of the East before the Erie Canal gave the ascendency to New York, had again become active competitors for the western trade. Threatened with the further

[34] *Eighth Census of the United States*, 1860, Agriculture, pp. clvii, clviii.

[35] *Annual Report on the Internal Commerce of the United States*, 1887, pp. 209–215.

loss of trade by the competition of the New York canals and railroads, the Pennsylvania and the Baltimore and Ohio railroads were built, the former being completed to Pittsburgh in 1852 and the latter to Wheeling in 1853. Philadelphia and Baltimore now had the advantage of shorter distances and more direct routes into the trans-Allegheny West, which enabled them to win back a portion of the trade hitherto lost to New York; though the latter city was destined to remain far in the lead. Boston had also entered the field upon the completion of the Western Railroad to Albany in 1841. In the meantime, New York had strengthened its hold on western trade by the building of the New York Central and the Erie railroads, the former making through connections with the lakes in 1850 and the latter reaching Dunkirk in 1851. New York was connected with Chicago by a direct rail route in 1853, and with St. Louis in 1855.[36]

Thus the decade of the fifties witnessed the beginning of the competition between the railroads and the water routes for the western grain and flour traffic which, however, was not finally decided in favor of the railroads until the seventies. The extent to which the water routes controlled this traffic at the opening of the Civil War period is shown by a comparison of the grain and flour receipts by all routes for the year 1860, which was a normal year in the development of the water and rail traffic. It will be seen by reference to Table X that Buffalo had become the great transit trade center for the shipment of grain and flour, which were sent eastward via the Erie Canal and Hudson River to New York City. Rochester, Oswego, and Cape Vincent on Lake Ontario, and Ogdensburg and Montreal on the St. Lawrence River were other shipping points east of Buffalo

[36] Johnson's *History of Domestic and Foreign Commerce of the United States*, Vol. I, pp. 228, 237.

which received considerable quantities of grain and flour from the Northwest and Canada via the Lakes for the seaboard, the shipments being sent either southward from Rochester and Oswego via the Erie Canal and the Hudson

TABLE X

MOVEMENT OF GRAIN AND FLOUR FROM THE WEST TO THE EAST BY ALL THE ROUTES FOR THE YEAR 1860[37]

RECEIVED AT	FLOUR (BARRELS)	WHEAT (BUSHELS)	CORN (BUSHELS)	OTHER GRAIN (BUSHELS)
WESTERN TERMINUS B. & O. RAILROAD	352,413			126,393
WESTERN TERMINUS PENN. RAILROAD	426,660			864,160
DUNKIRK	542,765	500,888	644,081	8,843
BUFFALO	1,122,335	18,502,649	11,386,217	1,552,574
SUSPENSION BRIDGE	650,000			1,875,000
OSWEGO	121,185	9,651,564	5,019,400	1,959,642
OGDENSBURG	248,200	565,022	867,014	48,211
CAPE VINCENT	28,940	203,878	73,300	186,597
MONTREAL	608,309	2,686,728	138,214	915,648
ROCHESTER	5,250	425,765		10,725
TOTAL	4,106,057	32,536,494	18,128,226	7,547,793

River to New York, or eastward to Montreal and thence via the St. Lawrence River to the coast for exportation to Europe or shipment down the Atlantic seaboard. The volume of western grain carried eastward, via the railroads, was small, indeed negligible, as shown by the receipts at the western termini of the Baltimore and Ohio, the Pennsylvania, the Erie, and the New York Central railroads.

Thus, while Boston, Philadelphia, and Baltimore diverted a considerable amount of western produce via the railroad

[37] The statistics given here are taken from a table in the *Eighth Census of the United States*, 1860, Agriculture, p. cli.

from New York, the latter city was destined to retain the unquestioned leadership. This is shown by a comparison of the total receipts of western products at tide water by the various routes for the year 1860. The total receipts for that year amounted to 21,348,000 tons, of which 16,769,000 tons were shipped via the Erie Canal, 1,496,000 via the New York Central Railroad, 1,367,000 tons via the Erie Railroad, 804,000 tons via the Pennsylvania Railroad, and 913,000 via the Baltimore and Ohio Railroad.[38]

The preëminence of New York is also shown by the relative magnitude of the wheat and corn exports — including wheat and corn flour reduced to bushels — from these cities to foreign countries in 1860. New York exported 9,148,000 bushels, Boston 839,000 bushels, Philadelphia 1,390,000 bushels, and Baltimore 2,081,000 bushels, while New Orleans in the same year exported but 590,00 bushels.[39]

It will therefore be seen that by 1860 a revolution had begun in the internal grain trade of the United States. The old theory that "trade will follow the rivers" had in some respects been disproved. The artificial channels of trade — the canals and the railroads — had tapped the West, diverting its products in rapidly increasing quantities eastward across the continent to the Atlantic seaboard. The comparative ease with which the growing surplus grain and flour of the Upper Mississippi Valley was diverted from the southern to the eastern routes is readily understood when the relative advantages of the latter over the former are considered.

It has already been shown that the Atlantic seaboard States were becoming almost entirely dependent on the West for an adequate supply of breadstuffs needed for

[38] A discussion of the tonnage of breadstuffs reaching New York City by the various routes in 1860 is found in Callender's *Selections from the Economic History of the United States*, pp. 342, 343.

[39] *Annual Report on the Internal Commerce of the United States*, 1882, p. 39.

home consumption, not to mention the fact that Great Britain after the repeal of the Corn Laws in 1846 afforded a promising and indeed growing market for American wheat. Before the direct routes between the East and the West were established, western grain destined for the East was sent down the Mississippi River to New Orleans and thence re-shipped around the Atlantic Coast to the various ports which served as distributing points for the seaboard States as well as export centers for trans-shipments of grain and flour to Europe. The risks thus incurred were heavy. The river traffic was none too safe, and coastwise traffic was hazardous to say the least. For this reason the merchants were never certain that a given consignment would be received. The time required to make this journey was another serious disadvantage, the uncertainty of river navigation often causing vexatious and ruinous delays. Consequently, it was natural that as soon as canals and railroads were projected from the East into the cereal kingdom of the West, that portion of the western surplus which was destined for the East would pass over the shorter, quicker, and safer routes. Moreover, it had already been demonstrated that New York City possessed superior advantages and facilities as the great importing as well as exporting center of the country. And, finally, the westward movement of the plantation type of agriculture made New Orleans the great export trade center for cotton, sugar, and tobacco to the virtual exclusion of the products of the North Central States.[40]

But while the competition between the eastern and the southern routes had already resulted in a victory for the former it must be remembered that the South had become

[40] The comparative advantages of the eastern over the southern routes are summarized by the Superintendent of the United States Census of 1860 in his report on the grain trade, printed in the *Eighth Census of the United States*, 1860, Agriculture, p. clvii.

a market for vast quantities of western grain and flour, as well as meat and dairy products, which found their way into the Cotton Kingdom, thus accentuating the economic dependence of this section on the West. The significance of this fact must be kept in mind in a study of the internal grain trade during the decade of the Civil War which for several years virtually closed the long-established intra-valley routes of trade, thus suddenly leaving the West with a rapidly accumulating surplus of farm products which for a time depressed the market. The West charged the East with using its influence at Washington to continue the blockade of the Mississippi River, which had given the eastern routes a monopoly of the western grain trade and afforded them an opportunity to charge exorbitant rates, of which they quickly took advantage.[41]

Meanwhile, the extension of railroads into the Middle West gave rise to keen commercial rivalry between the cities located on the highways of commerce. St. Louis and Chicago in the West were just beginning to develop an active competition as primary market centers which continued to the close of the century; while New York, Philadelphia, and Baltimore in the East developed a rivalry which began with the completion of the Erie Canal, and included Boston after the building of the Western Railroad. The commercial rivalry between these and a host of minor cities was expressed in the competition between transportation routes for the western traffic destined for eastern and European markets. This competition between canals and railroads, and in turn among the railroads themselves, became keen in the sixties and seventies resulting in the rapid extension of railway facilities, the establishment of uniform gauges and consolidation of roads into through

[41] The effect of the blockade of the Mississippi River on the trade and agriculture of the West during the Civil War period will be considered in a subsequent paper.

lines, and the improvements of terminal facilities, including elevators and warehouses.[42] Thus did the decade of the fifties inaugurate those changes and tendencies which were to dominate the internal grain trade of the United States to the close of the century.

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[42] The methods of handling grain for export and for interior transportation are discussed in the *Annual Report of the New York Produce Exchange, 1873–1874*, p. 508.

SOME EPISODES IN THE HISTORY OF THE FOUNDING OF THE MEDICAL COLLEGE OF THE STATE UNIVERSITY OF IOWA

[The following brief account was written by Jno. P. Irish, who had a part in the founding of both the Law College and the Medical College of the State University of Iowa. Two letters by the same writer with regard to the founding of the Law College are printed in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VIII, pp. 553–557.— EDITOR.]

Though the present interests and occupies men, and the future fixes their attention, the past, the field of the beginning of things, always fascinates. When we witness the remarkable development of the two great professional colleges of the University of Iowa, the Colleges of Law and Medicine, we think of their distant beginnings and of their early struggles, and would know how they came to be.

I have already written of the founding of the Law College, and of the causes that led to it. In dealing with it and with the Medical College I have to deal with my own part in the origin of both. My activities were inspired by a determination that Iowa should have a great University, and that it should not be starved to death by a combination of the many denominational colleges and academies of the State, whose managers mistakenly assumed that their place would be more secure if the University were weakened or even destroyed. There was a combat and its field was the primitive Iowa of a half century ago. The rescue of the University from its low condition required a call upon the taxpayers for support, and this put a strong weapon into the hands of its enemies. Its denominational rivals were supported by the voluntary contributions of the sects they represented. They drew nothing from the public revenues, and they were not to be blamed for using this as an argument that made a very powerful appeal to the taxpayers.

When I introduced the bill for the first appropriation to the University out of the State treasury, I was accused of intending to establish "an aristocracy of learning," at the expense of the taxpayers. After this opposition was overcome in the legislature, and the appropriation measure was passed, I was elected by the legislature a Trustee of the University. Believing that the battle for

the institution was only begun, I sought to strengthen it by securing the support of the professions of law and medicine through the establishment of a Department for each. In the case of the Medical Department there were peculiar difficulties in the way. In Keokuk was an established medical school, known as a branch of the State University. Its principal was Dr. Hughes, a powerful man, of attractive personality, and with great personal and political influence. He was able to enlist in his fighting force the graduates of his school and others of the profession all over the State.

Under these circumstances it was evident that the founding of a Medical Department would be a far more difficult undertaking than the creating of the Law Department.

The first steps were taken in my office. The Trustees of the University were Hon. Samuel Merrill, Governor of the State, Dr. James C. Black, President of the University, and Coker F. Clarkson, R. M. Burnett, H. C. Bulis, C. W. Slagle, C. W. Hobart, L. W. Ross, and John P. Irish.

The aim at the meeting in my office was to present to them a complete programme.

At the meeting were Dr. W. F. Peck, Prof. Gustavus Hinrichs, and myself. The Faculty then selected was:

Hon. Jno. F. Dillon, Professor of Medical Jurisprudence
Prof. Hinrichs, Chemistry
Dr. W. F. Peck, Surgery
Dr. P. J. Farnsworth, Materia Medica
Dr. J. H. Boucher, Anatomy
Dr. W. S. Robertson, Theory and Practice
Dr. J. F. Kennedy, Obstetrics
Dr. W. D. Middleton, Physiology
Dr. J. C. Shrader, Diseases of women and children.

Dr. Kennedy did not qualify, and in 1871 Dr. Clapp took the place of Dr. Boucher as Professor of Anatomy.

After long discussion and the disclosure of many misgivings, the Trustees endorsed this programme and the Department was founded. Much opposition, some of it very virulent, appeared in many parts of the State, and it was evident that the venture was to have a stormy road to go.

But at the opening a satisfactory number of students enrolled and the professors entered upon their work with zeal and industry. From the beginning the master spirit was Dr. Peck. He was

young, vigorous, and had had a large experience as an army surgeon during the Civil War. He had a rare capacity for leadership, for he always knew what to do next. Recalling that time of stress and strain, I am sure that the Department would have been wrecked early, without his courage and influence.

By the close of the year 1870 it had fought its way to calmer conditions, when suddenly it was struck by an almost fatal blow.

On the night of the 31st of December, 1870, I was roused from sleep in my room in the old Clinton House by a number of medical students, who told me that a grave in the local cemetery had been violated, that the cadaver was in the Department dissecting room and the sheriff was getting out a search warrant to break in and recover it. Instantly I saw that if it were found there the Department would be destroyed. I told the students to send one of them on horseback to the copse west of the University, and for the rest to pass the body out of the window of the dissecting room, consign it to the horseman and for him to ride into the country and conceal it in a safe place.

It was midnight, with a keen winter air. From my open window I heard the horse leave the stable and go to the rendezvous, and in due time heard his hoof beats cross the bridge and die away on the hard road west of the river. Within twenty minutes a crowd followed the sheriff down Clinton street, across the campus to the rooms of the Department in the old South Hall. Not sharing their disappointment at finding nothing, I retired and slept.

The body was that of a much respected elderly lady, a friend of mine, and the incident filled me with conflicting emotions. At that time there was no law in Iowa nor any western state, legalizing the possession of the human cadaver for dissection. In organizing the Department I had stipulated that such material should not be taken from the local graveyards. Yet the material must be had, for the surgeon must dissect the dead or mangle the living.

The next day the town was in a turmoil and I was the object of most heated and abusive attacks. The relatives of the dead lady sought me to say that if I would have the body returned, the incident would end as far as they were concerned. But I said they might later claim that I had guilty knowledge of the violation of the grave. This they solemnly promised not to do, and I dismissed them with the promise to try. Next I ordered the undertakers Nixon & Doe, in the old Metropolitan Hall building, where the

Hotel Jefferson now stands, to put a coffin at their back door at twenty minutes to twelve that night and take it in at twenty minutes after twelve. I then sent a letter to every one of the medical students ordering the body returned and put in that coffin, pledging them that no one would observe or disturb them. This was in order that I might not know who returned it. My instructions were obeyed. The body was again prepared for burial and duly returned to its sepulchre.

Then many leading papers of the State took up the sensation and demanded the abolition of the Medical Department and were reenforced by the influence of Dr. Hughes and many members of the profession. In 1871, I was nominated for the third time for the legislature. In the midst of my campaign I was arrested for body-snatching, gave bail, and went on with my fight. The opposition went to the people asking if they wanted to be represented by a body-snatcher?

I proceeded to educate the people upon the needs of medical and surgical training and promised that if elected I would promote a bill for a law to legalize the use of the human cadaver for dissection. I was elected and in the ensuing session promoted the bill, that I believe is still the law of Iowa, and that has immensely benefited humanity by legalizing dissection. The student out of his present abundance of opportunity will look back upon all this as upon the dark ages.

But the pursuit did not end. A bill was introduced to legislate me off the Board of Trustees of the University by a reorganization. After beating this five times in the House, it finally passed by one vote and my official connection with the University ceased. A further attempt was made in the new Board to abolish the Medical Department, but it was beaten by the vote of Dr. Thatcher, who became President of the University upon the resignation of Dr. Black.

Now what was saved when the Medical Department was saved? All of the splendid results of its subsequent history; all of the benefit to suffering humanity by the University hospitals; all of the inestimable boon to deformed and distorted infancy conferred by the recent foundation for the treatment of deformity. There was saved an equipped Department to take advantage of bacteriology, and the splendid discovery by Lister of aseptic and antiseptic surgery; of the safety of laparotomy, of the use of the X-ray.

Of that Board of Trustees I am the only survivor. Of that first Faculty only Hinrichs and Clapp are yet living. But their works do follow them, and the University enjoys the solid support of the great healing profession of the State.

In all of the foregoing I have, of necessity, had to deal with my own part in this history. When I promoted the bill legalizing dissection, its opponents charged that I had not only established at Iowa City "an aristocracy of learning," to the impoverishment of the people, but now I proposed to follow them into the poor house and cut up their dead bodies, like slaughtered hogs. All this was faced by a steady and relentless discussion of the beneficence of surgery and its life saving office. If such an argument were powerful then, how irresistible is it now, with the safe expansion of surgery over fields wherein it would have been fatal then?

Verily Dr. Peck survives himself, and he should be commemorated by a tablet at the scene of his labors.

JNO. P. IRISH

SOME PUBLICATIONS

A *History of the United States from Hayes to McKinley, 1877–1896* is the eighth volume in the series written by James Ford Rhodes.

A recent number of the *Proceedings of the American Antiquarian Society* contains an article by Albert Bushnell Hart entitled *The Worship of Great-Grandfather,* and one on *Roger's Michillimackinac Journal,* by William L. Clements.

The Committee on Practical Training for Public Service of the American Political Science Association has issued in pamphlet form a *Proposed Plan for Training Schools for Public Service.*

The *Seventeenth Report of the Public Archives Commission of the American Historical Association,* edited by Victor H. Paltsits, appears as a reprint from the *Annual Report of the American Historical Association,* 1916.

A supplement to the *National Municipal Review* for November, 1919, contains a monograph by A. E. Buck on *Administrative Consolidation in State Governments.* Chester Collins Maxey is the author of *A Little History of Pork* which appears in the December issue.

Law and Order, by Felix Frankfurter, *Industrial Partnership,* by John Manning Booker, *The Commercial Basis of Peace,* by William S. Culbertson, *The Menace of Localism,* by Florence Finch Kelly, and *Except America!,* by Wilbur C. Abbott, are among the contributions in the January, 1920, number of *The Yale Review.*

The Railroad Problem is the general subject discussed in *The Annals of the American Academy of Political and Social Science* for November, 1919.

The American Colonization Society 1817–1840, a monograph by Early Lee Fox, appears as a recent number of the *Johns Hopkins University Studies in Historical and Political Science.*

Part one of bulletin number sixty, issued by the Bureau of American Ethnology, is a *Handbook of Aboriginal American Antiquities*, by W. H. Holmes. Bulletin number sixty-five contains a monograph on *Archeological Explorations in Northeastern Arizona*, by Alfred Vincent Kidder and Samuel J. Guernsey. *Prehistoric Villages, Castles, and Towers of Southwestern Colorado*, by J. Walter Fewkes, appears as bulletin number seventy.

The Colleges in War Time and After, by Parke Rexford Kolbe, is an account of the contributions of higher educational institutions during the war and the changes in policy which have followed the period of military activities. The volume contains a discussion of the Students' Army Training Corps and a list of the units established in the various States.

Ojibwa Texts, collected by William Jones, and edited by Truman Michelson, is a large volume published recently as part two of volume seven of the *Publications of the American Ethnological Society*.

Perhaps no other single division of the American Expeditionary Force is so widely known throughout the United States as the Forty-second or Rainbow Division. Iowa was represented by the Third Regiment of the Iowa National Guard which became the One Hundred and Sixty-eighth Infantry, and Iowans will, therefore, find *The Story of the Rainbow Division*, by Raymond S. Tompkins, an interesting volume.

The War Department has recently issued a volume entitled *The War with Germany: A Statistical Summary*, by Leonard P. Ayres, which gives a graphic presentation of the magnitude of the war activities of the United States.

Emmett J. Scott is the author of a volume entitled *The American Negro in the World War*. Of special interest to Iowa readers is the chapter on the Officers' Training Camp for Colored Men held at Fort Des Moines, Iowa, in the summer of 1917.

In addition to papers on the Italian phase of the World War, *The Journal of American History* for April-June, 1919, contains continuations of personal narratives: *Recollections of Ninety-Five*

Years in Connecticut and the Anthracite Regions of Pennsylvania, by William Henry Richmond, and *An American Sea Captain in the Revolution.*

The American City, for October, 1919, contains a short paper on *Ten Essentials for the Health of Rural Children* which presents some interesting data as to the health of children in country schools.

Railroad Valuation by the Interstate Commerce Commission, by Homer B. Vanderblue, *Price Fixing and the Theory of Profit,* by Kemper Simpson, and *Debts, Revenues and Expenditures, and Note Circulation of the Principal Belligerents,* by Louis Ross Gottlieb, are three of the contributions in *The Quarterly Journal of Economics* for November, 1919.

Three articles relating to the World War found in *The National Geographic Magazine* for December are: *The Romance of Military Insignia,* by Robert E. Wyllie; *American Decorations and Insignia of Honor and Service;* and *Celebrating Christmas on the Meuse,* by Clifton Lisle.

The University of Toronto has recently issued the twenty-second volume of the *Review of Historical Publications Relating to Canada* covering the years 1917 and 1918.

North Carolina's New Educational System, by Eugene C. Brooks, *The Present Status of Tax Reform in North Carolina,* by C. Chilton Pearson, *Democracy or Disaster,* by William Thomas Laprade, *Our Place in the World,* by Olin D. Wannamaker, and *Reconstruction and Education in South Carolina,* by Edgar W. Knight, are among the contributions to *The South Atlantic Quarterly* for October, 1919.

An Adventure in State Insurance, by A. J. Pillsbury, *American Minimum Wage Laws at Work,* by Dorothy W. Douglas, *The Cost of the War and How It was Met,* by Edwin R. A. Seligman, and *The Income Tax as Applied to Dividends,* by Carl C. Plehn, are four of the papers which appeared in *The American Economic Review* for December, 1919.

Effects of the War on Money, Credit and Banking in France and the United States, a monograph by B. M. Anderson, Jr., appears as

number fifteen of the *Preliminary Economic Studies of the War,* published by the Carnegie Endowment for International Peace. Ernest L. Bogart is the author of *Direct and Indirect Costs of the Great World War,* which constitutes number twenty-four of this series.

The issue of *Special Libraries* for September, 1919, contains the *Proceedings of the Tenth Annual Convention of the Special Libraries Association* for June 24–26, 1919. The October number contains a number of articles on industrial libraries. Among these are the following: *The Functions of the Industrial Library,* by E. D. Greenman; *The Library of the National Workmen's Compensation Service Bureau,* by Estelle L. Liebmann; and a *List of References on Labor Turnover,* by Katherine Warren.

American Publicity in Italy, by Charles E. Merriam, *Effects of the League of Nations Covenant,* by Quincy Wright, *Suffrage Provisions in State Constitutions,* by Kirk H. Porter, and *Constitutionality of Merit System Legislation,* by Ben A. Arneson, are articles which appear in *The American Political Science Review* for November, 1919. Thomas Reed Powell writes the first installment of *Constitutional Law in 1918–1919;* Charles Kettleborough contributes *Legislative Notes and Reviews;* F. W. Coker is the compiler of the *Notes on Municipal Affairs;* and Frederic A. Ogg gives a summary of *Foreign Governments and Politics.*

Among the papers found in the *American Anthropologist* for April-June, 1919, are the following: *The Serpent Mound of Adams County, Ohio,* by Charles C. Willoughby; *A Sketch of Eastern Dakota Ethnology,* by Alanson Skinner; and *A Uniform Blank of Measurements to be Used in Recruiting, A Plea for the Standardization of Anthropological Methods,* by Fabio Frassetto. In the July-September number J. E. Pearce writes of *Indian Mounds and Other Relics of Indian Life in Texas;* A. L. Kroeber contributes an article *On the Principle of Order in Civilization as Exemplified by Changes in Fashion;* Albert B. Reagan describes *Some Games of the Bois Fort Ojibwa;* and George Langford writes of *The Kankakee River Refuse Heap Evidence of a Unique and Primitive Culture in the Southwestern Chicago Area.*

With the First Division, by R. A. Newhall, and *The Great Loyalty in America,* by W. E. Dodd, are two of the articles published in *The Historical Outlook* for October, 1919. There is also a *Summary of War Legislation of the Sixty-Fifth Congress,* by L. F. Stock. The November number contains an article by V. S. Clark on *The German Press and the War;* C. H. Levermore writes of *Anglo-American Diplomatic Relations;* C. O. Davis presents *A Course in World History;* and H. E. Bourne contributes *A Source Study for College Classes.* In the December number is a survey of ten years progress in history teaching under the caption *A Decade of History Teaching and Historical Activities.*

The Revenue Act of 1918, by Robert Murray Haig, *How Women Vote,* by William F. Ogburn and Inez Goltra, *Rise and Progress of the Merit System,* by Everett P. Wheeler, and concluding installments of *The Expansion of Europe,* by William R. Shepherd, and *Price Fixing in the United States during the War,* by Lewis H. Haney, are among the papers included in the September, 1919, issue of the *Political Science Quarterly.* The supplement for this number contains the *Record of Political Events* from August 1, 1918, to July 31, 1919, compiled by Elmer D. Graper and Harry J. Carman. The December number contains, among others, the following papers: *The Flexibility of Prices,* by Henry L. Moore; *Absenteeism in Labor,* by Paul H. Douglas; and *The New York Income Tax,* by Edwin R. A. Seligman.

WESTERN AMERICANA

A monograph by John William Lloyd on *Co-operative and Other Organized Methods of Marketing California Horticultural Products* has been published as the March, 1919, number of the *University of Illinois Studies in the Social Sciences.*

The University of California Chronicle for October, 1919, contains several articles and addresses on topics of current interest. Among these the following may be noted: *French and American Peace Idealism,* by Charles Cestre; *The League of Nations and the Peace of the World,* by Thomas H. Reed; *University Ideals,* by Joel H. Hildebrand; and *Bolshevism,* by David P. Barrows.

The October, 1919, issue of *The Graduate Magazine of the University of Kansas* contains a letter from the retiring chancellor, Frank Strong, in which there is much information concerning the history of the University. In the December number are several tributes to Dean James Woods Green.

Volume nine of the *University of California Publications in History* contains a monograph by Charles Henry Cunningham on *The Audiencia in the Spanish Colonies, as Illustrated by the Audiencia of Manila.*

Benjamin M. Read is the author of *A Treatise on The Disputed Points of the History of New Mexico.*

Volumes three and four of the *Spain in the West Series,* edited by Herbert Eugene Bolton, contain *Kino's Historical Memoir of Pimeria Alta, 1683–1711.*

The *Western Pennsylvania Historical Magazine* for October, 1919, contains an article by Charles W. Dahlinger on *A Place of Great Historic Interest; Pittsburgh's First Burying-ground,* and an address by Robert M. Ewing on the *Life and Times of William Findley.*

The September 30, 1919, number of *El Palacio* contains a description of the Santa Fé Fiesta given as a welcome to the returned service men of that region. In the issue for November 30th is a paper written by Mary Austin on *New Mexico Folk Poetry.*

The October number of *The Ohio Bulletin of Charities and Correction* contains the program and announcements for the twenty-ninth annual session of the Ohio Welfare Conference held at Cincinnati, Ohio, November 18–20, 1919.

Linguistic Families of California, by Roland B. Dixon and A. L. Kroeber, and *Calendars of the Indians North of Mexico,* by Leona Cope, are monographs published recently in the *University of California Publications in American Archaeology and Ethnology.*

Some Menomini Place Names in Wisconsin, by Alanson Skinner, and *Recent Mound Explorations in Shawano County,* by the same author, are among the contributions to *The Wisconsin Archaeologist* for August, 1919.

Truman Michelson is the author of *Some General Notes on the Fox Indians* published in the *Journal of the Washington Academy of Sciences,* October 4 and 19, 1919. A bibliography on the Fox Indians by the same author is found in the issue for November 19th.

The December number of *Library Notes and News,* published by the Minnesota Department of Education, contains an article on *Hibbing's Traveling Library,* by Charlotte H. Clark, and one on *Librarians as Educators,* by Harriet A. Wood.

The October number of *The Quarterly Journal of the University of North Dakota* contains a number of papers on North Dakota's part in the World War. Among these are the following: *North Dakota's Contribution of Men,* by Luther E. Birdzell; *North Dakota's Contribution Thru the Liberty Loan,* by Samuel Torgerson; *The Work of the Welfare Organizations,* by Howard E. Simpson; *The Work of the Red Cross,* by N. C. Young; *Home Service Work of the Red Cross,* by Frank J. Bruno; *The Work of North Dakota's Physicians and Nurses,* by F. R. Smyth; *The Work of the Institutions of Higher Education,* by Orin G. Libby; *The Public Schools and the War,* by M. Beatrice Johnstone; *Various Secondary War Activities of the State,* by Vernon P. Squires; and *War Experiences of a University Student as a Doughboy,* by Wesley R. Johnson.

IOWANA

Hospitals of the 42nd Division is the title of a paper published in *The Journal of the Iowa State Medical Society* for October. This contains valuable information concerning the losses of the One Hundred and Sixty-eighth Infantry.

The Journal of History for October, 1919, contains a continuation of the *Statements of Joseph Smith,* edited by Heman Hale Smith, and a third installment of *Early Days on Grand River and the Mormon War,* by Rollin J. Britton.

The Iowa Law Bulletin resumed publication in November, 1919. In this issue appeared the following articles: *Progress in Code Revision,* by James H. Trewin; *Unwholesome Food as a Source of Liability,* by Rollin M. Perkins; and *Iowa Applications of the Last Clear Chance Doctrine,* by Herbert F. Goodrich.

Housing Survey of Iowa Mining Camps, by C. S. Nichols, and *The Iowa Registration Law for Engineers*, by R. W. Crum, are two of the articles in *The Iowa Engineer* for October, 1919.

The *Johnson County Honor Roll*, compiled by Dick Dreyer, contains the portraits and service record of the men from that county in the World War.

The Iowa Bureau of Labor Statistics has issued a *Directory of Manufacturing Establishments* as bulletin number one.

Tributes to Henry Wallace, a collection from the press and from letters, has recently been published by the Wallace Publishing Company. Henry Wallace was born March 19, 1836, and died February 22, 1916. He was for many years a prominent figure in Iowa in agricultural and political affairs.

A *Report of Tama County Activities in the Women's Committee C. N. D.*, by Mrs. Elmer E. Taylor, has been printed in pamphlet form.

The Iowa Library Quarterly for October-December, 1919, contains a report of the meeting of the Iowa Library Association at Waterloo, October 7–9, 1919. *The Child and the Book*, by Clarence Marsh Case,— one of the papers read at the meeting — is printed in this number.

The *Minutes of the Thirty-eighth Annual Meeting of the Synod of Iowa*, 1919, has recently appeared in book form.

Iowa Conservation for July-September, 1919, contains the proceedings of the summer convention at McGregor, July 27–31, 1919; an address, by William L. Harding, on *Iowa Should Conserve Her Natural Resources;* and a sketch of *The Palisades of the Cedar River*, by B. L. Wick. There is also a biographical sketch of Eugene Secor.

In the *Iowa Magazine* for September, 1919, Woodworth Clum makes a plea for the preservation of spots of historical interest under the title *Fort Atkinson, A Pigsty*. The article contains a brief history of the fort and some illustrations of the buildings as they appear to-day. In the issue for October-November, is found a

description of *The Devil's Backbone — in Iowa,* also by Woodworth Clum, and a paper entitled *Iowans a Factor in Washington,* by John Snure. A biographical sketch of John Burke, by John Snure, is found in the December issue of this magazine under the caption *Iowan Handles $2,700,000,000.*

Beginning with the November, 1919, number, *The Grinnell Review* appears in an enlarged form with a new cover design. In addition to college news, the editors hope to make this periodical an organ through which contributions of literary and inspirational value may be presented to the public. The opening number contains editorials on *Americanization* and the *League of Nations;* an article on *Undefended Art,* by Lord Dunsany; poems by Arthur Davison Ficke, Frank Thone, and R. D. Jameson; and a biographical sketch of *Jesse Macy,* by Clara E. Millerd. In the December issue are the following contributions: *Military Training as Education,* by Robert Y. Kerr; *Intervention in Mexico,* by Loi A. R. Nykl; *Benny Adams' Mother,* by Vesta Thark Nixon; and *America and Armenia,* by J. H. T. Main.

Iowa's Research and Welfare Station for Normal Children, by Bird T. Baldwin, *Encouragement of Writing,* by John C. Parish, and *An Eventful Day in the Quillayute Country,* by Homer R. Dill, are three papers found in the October number of *The Iowa Alumnus.* In the November number Frederick W. Crone contributes an article on *The Iowa Memorial Union,* Edith M. Prouty writes of *Women in the Law,* John Hoffman Dunlap describes *The New Hydraulic Laboratory,* and W. Earl Hall has a short paper entitled *News not Views.* The December issue contains two poems — *Iowa's Saving Crew,* by Bertha M. H. Shambaugh, and *A Mender of Soles,* by Katherine Buxbaum. There is also a paper by Hardin Craig on *A Literary Revival.*

The Association of the Fourth Division has begun the publication of a bi-monthly magazine known as *Ivy Leaves,* of which Henry W. Stiness is the editor. The first number appeared in October, 1919, and is designated as the Des Moines number, since the Division is now stationed at Camp Dodge. Among the papers included in this issue is one on *Camp Dodge — Then and Now* and a descrip-

tion of the welcome to the Fourth Division under the title *Des Moines Greets the 4th Division.*

A volume of the pioneer experiences of William H. Ingham has recently appeared under the title *Ten Years on the Iowa Frontier.* In addition to biographical and personal information the book contains chapters on the following subjects of general historical interest: St. Paul in 1850–51, Across Iowa in 1854, First Visit to Kossuth County, An Indian Traveling Companion, Capturing Baby Elk, Hunting Buffalo in Iowa, Last View of Umpashotah, Big Elk Antlers, The Storms of 1856–57, Rescuing the Johnsons, The Massacre at the Lakes, and The Massacre at New Ulm. Mr. Ingham was born in New York, November 27, 1827, and came to Iowa in 1850. His life from that date until his death in 1914 was a part of the history of Iowa and his story of early pioneer days is thus a valuable addition to Iowa pioneer history.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Aldrich, Bess Streeter,

The Mason Family Now on Exhibition (The American Magazine, November, 1919).

Benton, T. H., (Joint author)

Soil Survey of Henry County, Iowa. Washington: Government Printing Office. 1919.

Brainerd, Eleanor Hoyt,

Our Little Old Lady. Garden City (N. Y.): Doubleday, Page & Co. 1919.

Brown, Charles Reynolds,

The Story Books of the Early Hebrews. Boston: Pilgrim Press. 1919.

Yale Talks. New Haven: Yale University Press. 1919.

Buckner, Chester Arthur,

Educational Diagnosis of Individual Pupils. New York: Columbia University. 1919.

Butler, Ellis Parker,

The First Day of School (The Red Cross Magazine, October, 1919).

The H. C. O. L. Hits Billy Brad (The Red Cross Magazine, September, 1919).

Devine, Edward Thomas,

Winnipeg and Seattle (The Survey, October 4, 1919).

Frederick, John Towner,

Orchard (Poetry, October, 1919).

Gallaher, Ruth Augusta,

Fort Des Moines in Iowa History. Iowa City: The State Historical Society of Iowa. 1919.

Garland, Hamlin,

My Neighbor, Theodore Roosevelt (Everybody's Magazine, October, 1919).

Hansen, Marcus Lee,

The Writing of War History in Iowa. Iowa City: The State Historical Society of Iowa. 1919.

Hoover, Herbert Clark,

Economic Situation in Europe (World's Work, November, 1919).

Horn, Ernest,

Economy in Learning in Relation to Economy of Time (National Education Association, Proceedings and Addresses, 1918).

How Leadership in Making New Adjustments in Education Must Be Provided (National Education Association, Proceedings and Addresses, 1918).

Hornaday, William Temple,

Old Fashioned Verses. New York: Clark and Fritts. 1919.

Citizens of the Jungle (Mentor, October 1, 1919).

World's Horned Heads (Scientific American, October 4, 1919).

Hueston, Ethel,

Leave It to Doris. Indianapolis: The Bobbs-Merrill Co. 1919.

Jennings, Walter Wilson,

Origin and Early History of the Disciples of Christ. Cincinnati: The Standard Publishing Company. 1919.

Judy, Arthur M.,

Some Fundamental Aspects of Democracy. Davenport: The Contemporary Club. 1918.

Knipe, Emilie Benson, and Knipe, Alden Arthur,
A Cavalier Maid. New York: Macmillan Co. 1919.

Madsen, Iver N., (Joint author)
High School Students' Intelligence Ratings According to the Army Alpha Test (School and Society, October 4, 1919).

Michelson, Truman,
Some General Notes on the Fox Indians (Journal of the Washington Academy of Sciences, October 4 and 19, and November 19, 1919).

Parish, John Carl,
Historical Activities in the Trans-Mississippi Northwest, 1917–1919 (The Mississippi Valley Historical Review, December, 1919).

Parrish, Randall,
Comrades in Peril. Chicago: A. C. McClurg & Co. 1919.

Patrick, George Thomas White,
The Psychology of Daylight Saving (The Scientific Monthly, November, 1919).

Porter, Kirk Harold,
A History of Suffrage in the United States. Chicago: The University of Chicago Press. 1918.
Suffrage Provisions in State Constitutions (The American Political Science Review, November, 1919).

Richardson, Anna Steese,
Waiting for Orders (Woman's Home Companion, October, 1919).
Why Don't They Settle Down (Woman's Home Companion, November, 1919).

Rockwood, Elbert William,
A Laboratory Manual of Physiological Chemistry (Fourth Edition). Philadelphia: F. A. Davis Co. 1919.

Ross, Edward Alsworth,
Institutional Competition (American Journal of Sociology, September, 1919).

Sabin, Edwin Legrand,
Building the Pacific Railway. Philadelphia: J. B. Lippincott Co. 1919.

Lost with Lieutenant Pike. Philadelphia: J. B. Lippincott Co. 1919.

Schlesinger, Arthur Meier,

The Khaki Journalists, 1917–1919 (The Mississippi Valley Historical Review, December, 1919).

Smith, Mrs. Lewis Worthington,

The Lamp of Heaven. Boston: Four Seas. 1919.

Starch, Daniel,

Methods in Constructing Handwriting Scales (School and Society, September 13, 1919).

Revision of the Starch Writing Scale (School and Society, October 25, 1919).

Stefánsson, Vilhjálmur,

Solving the Problem of the Arctic (Harper's Magazine, October, 1919).

Steiner, Edward A.,

Sanctus, Spiritus & Co. New York: George H. Doran & Co. 1919.

Sylvester, Mrs. Reuel Hull, (Joint author)

High School Students' Intelligence Ratings According to the Army Alpha Test (School and Society, October 4, 1919).

Taylor, Alonzo Englebert,

Observations on the Peace (The Atlantic Monthly, October, 1919).

Results of the Blockade upon Germany (World's Work, October, 1919).

Views of a Layman on Bolshevism (The Saturday Evening Post, December 6, 1919).

Wade, Martin J.,

Shall We Have a School of Americanism. Washington: Government Printing Office. 1919.

Warner, H. W. (Joint author),

Soil Survey of Buena Vista County, Iowa. Washington: Government Printing Office. 1919.

Willsie, Honoré,

The Forbidden Trail. New York: Frederick A. Stokes Co. 1919.

SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

Seventy-five-year-old sale bill, in the *Keota Eagle*, October 2, 1919.

Some documents of the Eastman family, in the *Eldora Herald*, October 2, 1919.

The Spirit Lake Massacre result of Cooper's novels, in the *Sioux City Journal*, October 4, 1919.

Sketch of the life of Judge I. W. Keller, in the *Des Moines Capital*, October 5, 1919.

The Spirit Lake and Minnesota massacres, by L. P. McCain, in the *Estherville Republican*, October 8, 1919.

An old family Bible, by A. B. Funk, in the *Des Moines Register*, October 9, 1919.

Southeastern Iowa during early days of the Civil War, in the *Keosauqua Republican*, October 9, 1919.

Some old residences of Guthrie Center, in the *Stuart Herald*, October 10, 1919.

Sketch of the life of Mrs. Sophia Lotts, in the *Des Moines Register*, October 13, 1919.

Sketch of the life of Andrew M. Karns, in the *Burlington Hawk-Eye*, October 14, 1919.

Some reminiscences of Iowa men, in the *Sioux City Journal*, October 15, 1919.

Sketch of the life of T. B. Hotchkiss, in the *Rockwell City Advocate*, October 16, 1919.

Old Fort Atkinson, in the *Davenport Democrat*, October 16, 1919, the *Dubuque Journal*, October 21, 1919, the *Decorah Republican*, October 23, 1919, the *Cresco Times*, October 29, 1919, and the *New Hampton Gazette*, December 3, 1919.

Early days at Ackworth, by Samira Craven, in the *Indianola Advertiser-Tribune*, October 23, 1919.

Sketch of the life of Judge A. S. Blair, in the *Cedar Falls Record*, October 25, 1919, the *Dubuque Journal*, October 29, 1919, the *Monticello Times*, October 29, 1919, and the *Manchester Press*, October 30, 1919.

Legend of Indian battle, in the *Boone News-Republican*, October 28, 1919.

Side-lights on the dispute over the county seat of Linn County, in the *Cedar Rapids Republican,* October 29, 1919.

Sketch of the life of F. M. Thompson, in the *Forest City Independent,* October 30, 1919.

Recollections of early days, by W. H. Fee, in the *Cherokee Times,* November 4, 1919.

The early history of Iowa, in the *Chariton Herald-Patriot,* November 6, 1919.

Sketch of the lives of Mr. and Mrs. William Cobb, in the *Bedford Times-Republican,* November 6, 1919.

Some relics of a pioneer family, in the *Mount Vernon Hawkeye,* November 6, 1919.

Early schools in Grove Township, Pottawattamie County, in the *Carson Critic,* November 6, 1919.

Death of Push-e-ton-e-qua, last Indian chief in Iowa, in the *Fort Madison Democrat,* November 12, 1919, the *Toledo Chronicle,* November 13, 1919, the *Belle Plaine Gazette,* November 27, 1919, and the *Marengo Republican,* December 3, 1919.

Burial place of Chief Wapello, in the *Sigourney Review,* November 12, 1919.

Location of Artillery Grove, in Wayne County, in the *Leon Reporter,* November 13, 1919.

Early settlers of Red Oak, in the *Red Oak Express,* November 13, 1919.

Service flags of Clarinda, in the *Clarinda Journal,* November 13, 1919.

Sketch of the life of Mrs. Elizabeth Dennis, "The Last of the Thirty-Eighters", in the *Des Moines Register,* November 16, 1919.

Making hay in 1848, in the *Carson Critic,* November 20, 1919.

Historical mounds in the vicinity of Keosauqua, in the *Keosauqua Democrat,* November 23, 1919.

Biographical sketch of I. N. Kramer, in the *Cedar Rapids Republican,* November 23, 1919.

How the draft laws worked, by F. S. Smith, in the *Nevada Representative,* November 24, 1919.

Indian relics found in Decatur County, in the *Boone Democrat,* November 24, 1919.

A Civil War reminiscence, by C. E. Fuller, in the *Keosauqua Republican,* November 27, 1919.

Sketch of the life of J. H. Monroe, "the drummer boy at Shiloh", in the *Des Moines Tribune,* November 27, 1919.

The story of the *Dubuque Visitor,* in the *Dubuque Journal,* November 30, 1919, and the *Des Moines Register,* December 7, 1919.

The Old Capitol, in the *Centerville Iowegian,* December 2, 1919.

Sketch of the life of Laenas G. Weld, in the *Burlington Hawk-Eye,* December 2, 1919.

The work of Nicholas Perrot, in the *Dubuque Herald,* December 3, 1919.

Recollections of pioneer days in Marengo, by John N. May, in the *Marengo Republican,* December 3, 1919.

Marengo in 1851, by Jacob Shaffer, in the *Marengo Republican,* December 3, 1919.

Some political reminiscences, by G. M. Shaw, in the *Marengo Republican,* December 3, 1919.

Heating problems of pioneer days, in the *Cedar Rapids Republican,* December 6, 1919.

Historical sketch of Congregational Church at Danville, in the *Burlington Hawk-Eye,* December 7, 1919.

Indian springs at Fertile, in the *Waterloo Tribune,* December 7, 1919.

John C. Calhoun and the admission of Iowa, in the *Cedar Rapids Republican,* December 9, 1919.

Land patent made to John Johns, in the *Madrid News,* December 11, 1919, and the *Boone News-Republican,* December 16, 1919.

Early days at Logan, in the *Logan Observer,* December 11, 1919.

Pioneers of Bremer County in the *Waverly Independent,* December 12, 1919.

When prairie chickens were plentiful, in the *Des Moines Register,* December 14, 1919.

Fifty years ago in Mills County, in the *Glenwood Opinion,* December 18, 1919.

Sketch of the life of Frank Curtis, in the *Swea City Herald,* December 18, 1919.

Early documents of Mills County, in the *Glenwood Opinion,* December 18, 1919.

Chronicles of Pacific City, in the *Glenwood Opinion,* December 18, 1919.

Double lynching in Mills County, in the *Glenwood Opinion,* December 18, 1919.

Life in Mills County sixty-seven years ago, in the *Glenwood Opinion,* December 18, 1919.

District court blotter of the fifties, in the *Council Bluffs Nonpareil,* December 21, 1919.

How Osage and Ocheyedan were named, in the *Des Moines Register,* December 21, 1919.

From stage to bus line, in the *Des Moines Register,* December 21, 1919.

Christmas in camp during the Civil War, by W. F. Gilbert, in the *Burlington Hawk-Eye,* December 25, 1919.

In memory of George D. Perkins, in the *Des Moines Capital,* December 26, 1919.

Steamboat traffic on the Mississippi River, in the *Fort Madison Democrat,* December 29, 1919.

HISTORICAL SOCIETIES

PUBLICATIONS

Scraps of Paper is the title of a paper published in *The Medford Historical Register* for July, 1919. This article refers to hotel charges in 1805.

The "Old Fort," and Camp-Site, by Reginald Pelham Bolton, is one of the papers found in *The New-York Historical Society Quarterly Bulletin,* for October, 1919.

The Connecticut Historical Society has recently issued its *Annual Report* covering the meeting on May 27, 1919.

The *Proceedings of the Thirteenth Annual Conference of Historical Societies,* reported by Augustus Hunt Shearer, is reprinted from the *Annual Report of the American Historical Association* for 1916.

In addition to the proceedings of the thirty-fourth annual meeting of the Ohio State Archaeological and Historical Society, the October, 1919, issue of the *Ohio Archaeological and Historical Quarterly* contains a paper by C. L. Martzolff on *Lutheranism in Perry County, Ohio.*

Early Indianapolis, a monograph by Mrs. Laura Fletcher Hodges, forms a recent number of the *Indiana Historical Society Publications.*

The July-September, 1919, issue of *Nebraska History and Record of Pioneer Days* contains a report of *The Fort Atkinson Centennial,* held on October 11th, at Fort Calhoun near Omaha, Nebraska. There is also an article by Albert Watkins on *Why Fort Atkinson Was Established.*

Under the title *Side-lights on Booth in Oklahoma,* the October, 1919, issue of *Historia* presents an account of a man reported to be the real John Wilkes Booth. There is a continuation of an article from the July number, *More About Houston in Oklahoma.*

Henry Hastings Sibley and the Minnesota Frontier, by Wilson P. Shortridge, and *War History Work in Minnesota,* by Franklin F. Holbrook, are the two articles which appear in the *Minnesota History Bulletin* for August, 1919.

A continuation of *San Domingo Refugees in Philadelphia,* by Jane Campbell, is found in the September number of the *Records of the American Catholic Historical Society of Philadelphia.*

The *Year Book of The Holland Society of New York,* for the year 1919, has recently been distributed by the Society.

Among the articles found in the *Proceedings of the Massachusetts Historical Society,* volume fifty-two, are the following: *The Periodization of History,* by Ephraim Emerton, and *A Course of History at Harvard College in the Seventies,* by Lindsay Swift.

The Twenty-first Biennial Report of the Board of Directors of the Kansas State Historical Society for 1917–1919 has recently been published.

Judge John Erskine's Test Oath Decision in the Case Ex Parte William Law and *The Case of George McIntosh* are two articles which appear in the September, 1919, number of *The Georgia Historical Quarterly.*

Paul de Saint Pierre, the First German-American Priest of the West, by John Rothensteiner, is one of the articles found in *The Catholic Historical Review* for July-October, 1919.

The Beginnings of Prohibition, by Lucius C. Hatch, is one of the articles published in the issue of *Americana* for October, 1919. This is the story of the first prohibitory laws of Maine.

The *Journal of The Presbyterian Historical Society* for September, 1919, contains continuations of *Eighteenth Century Presbyterianism in Western Pennsylvania,* by William Wilson McKinney, and the *History of the Presbytery of New Brunswick,* by George H. Ingram. *The Diary of the Rev. Seth Williston,* edited by John Quincy Adams, is completed in this issue.

The Life of General Ely S. Parker, by Arthur C. Parker, has recently appeared as volume twenty-three of the *Buffalo Historical*

Society Publications. General Parker attained distinction both among the Indians and the whites; he was the last grand sachem of the Iroquois; and served as General Grant's military secretary during the Civil War.

The Edris and Virginia Berkley Memorial Collection of Washington Prints, by Henry J. Berkley, and another installment of the *Extracts from the Carroll Papers* are among the contributions in the *Maryland Historical Magazine* for September, 1919. *Robert Smith and the Navy,* by George E. Davies, *Some Early Colonial Marylanders,* by McHenry Howard, *Extracts from the Carroll Papers, Extracts from the Dulany Papers,* and a third installment of *In Memoriam,* compiled by John C. Fell, are among the papers found in the December number.

An introductory chapter of *James W. Fannin, Jr., in the Texas Revolution,* by Ruby Cumby Smith, *Border Troubles Along the Rio Grande, 1848–1860,* by J. Fred Rippy, *The Somerville Expedition to the Rio Grande, 1842,* by Sterling Brown Hendricks, and the eighth installment of the *Minutes of the Ayuntamiento of San Felipe de Austin, 1828–1832,* edited by Eugene C. Barker, are papers found in the October, 1919, issue of *The Southwestern Historical Quarterly.*

A Forgotten Trail, by James H. McManus, *The Kensington Rune Stone,* by H. R. Holand, *Historic Spots in Wisconsin,* by W. A. Titus, *Observations of a Contract Surgeon,* by William F. Whyte, and a fourth installment of *The Story of Wisconsin, 1634–1848,* by Louise Phelps Kellogg, are article which appear in *The Wisconsin Magazine of History* for December, 1919.

The three papers which appear in the *Indiana Magazine of History* for September, 1919, are as follows: *Pioneer Experiences in Pennsylvania, Kentucky, Ohio and Indiana, 1766–1836,* a memoir by Spencer Records; *Journal of Ebenezer Mattoon Chamberlain 1832–5,* edited by Louise Fogle; and *Indiana in the Mexican War,* by R. C. Buley. The last mentioned article is continued in the December number, which also contains a *Memoir of Colonel Isaac White,* by George Fauntleroy White, and a paper on *The New Albany-Salem Railroad — Incidents of Road and Men,* by George Carter Perring.

Missourians in Service, by Harvey C. Clark, *Major Benjamin Holliday,* by Anna Lee Brosius Korn, *The Followers of Duden,* by William G. Bek, *One Hundred Years of Medicine in Missouri,* by H. W. Loeb, *Inefficiency of Water Transportation in Missouri — A Geographical Factor in the Development of Railroads,* by Sam T. Britton, *Shelby's Expedition to Mexico,* by John N. Edwards, and a fourth article on *Early Days on Grand River and the Mormon War,* by Rollin J. Britton, are contributions found in *The Missouri Historical Review,* for October, 1919.

In *The Quarterly of the Oregon Historical Society* for September, 1919, are the following papers and articles: *The Pioneer,* by Joseph N. Teal; *Qualities of the Oregon Pioneers,* by Frederick V. Holman; *The British Side of the Restoration of Fort Astoria,* by Katherine B. Judson; and a sixth installment of *The Federal Relations of Oregon,* by Lester Burrell Shippee.

The Indiana Centennial, 1916, edited by Harlow Lindley, has recently appeared as one of the volumes in the *Indiana Historical Collections.* As the title implies, the volume is a record of the celebration of the one hundredth anniversary of Indiana's admission as a State, and it includes an account of the settlement of Indiana, a report of the work of the Indiana Historical Commission, descriptions of the various programs, and a number of addresses.

The American Historical Review for October, 1919, contains two brief papers on topics of current interest: *Notes on the Beginnings of Aeronautics in America,* by George E. Hastings, and *The Collection of State War Service Records,* by Franklin F. Holbrook. The issue for January, 1920, contains an address by William R. Thayer, president of the American Historical Association, on *Fallacies in History. Slavery and the Beginnings of Industrialism in the American Colonies,* by Marcus W. Jernegan, is another article found in this number.

New Orleans, A Treasure House for Historians, by Clarence Wyatt Bispham, *The Emblematic Bird of Louisiana,* by Stanley Clisby Arthur, *Celebration of the Founding of New Orleans,* by Charles Barret, with a translation by Grace King, *A Sketch of Gen-*

eral G. T. Beauregard, by R. T. Beauregard, *Women of the Sixties,* by Florence Cooney Tompkins, *Historical Notes on the Commerce and Agriculture of Louisiana, 1720–1766,* by Charles Gayarré, and *Reminiscences of Days That Are Gone,* by F. B. McDowell, are articles published in *The Louisiana Historical Quarterly* for July, 1919.

A continuation of *A Tour in 1807 Down the Cumberland, Ohio and Mississippi Rivers from Nashville to New Orleans,* by John R. Bedford, is to be found in the *Tennessee Historical Magazine* for July, 1919. Other articles in this number are the following: *Portrait of General Robert Armstrong,* by Robert Ewing; *The Battle of Shiloh,* by T. M. Hurst; and an article on *The Management of Negroes Upon Southern Estates — An Echo of Slave Days in the Southland.*

The October number of the *Historical Collections of the Essex Institute* contains the following papers and articles: *A Genealogical-Historical Visitation of Groveland, Mass., in the Year 1863,* by Alfred Poore; *Some Account of Steam Navigation in New England,* by Francis B. C. Bradlee; and a continuation of *Beverly in 1700,* by Sidney Perley. In the issue for January, 1920, Francis B. C. Bradlee contributes a paper on *The Dreadnought of Newbury Port,* and there is a fourth chapter of *Beverly in 1700,* by Sidney Perley.

Western Travel, 1800–1820, by Harlow Lindley, *The French Council of Commerce in Relation to American Trade,* by Ella Lonn, *The United States Factory System for Trading with the Indians, 1796–1822,* by Royal B. Way, and *Historical Activities in Canada, 1918–1919,* by Lawrence J. Burpee, are the four articles which appear in *The Mississippi Valley Historical Review* for September, 1919. In the number for December are the following articles and papers: *New Light on Don Diego de Peñalosa,* by Charles W. Hackett; *The Last Meeting of the Confederate Cabinet,* by James E. Walmsley; *The Khaki Journalists, 1917–1919,* by Arthur M. Schlesinger; and *Historical Activities in the Trans-Mississippi Northwest, 1917–1919,* by John C. Parish.

ACTIVITIES

The Indiana History Conference met at Indianapolis on December 10–11, 1919, under the auspices of The Society of Indiana Pioneers. The program covered both State and local history.

At a meeting of the Historical Society of Marshall County held at Marshalltown on October 3, 1919, President J. H. T. Main of Grinnell College gave an address on "America and Its Overseas Obligations".

The Ohio Valley Historical Association held its twelfth annual meeting at Berea College, Kentucky, on October 16–18, 1919. Wilbur H. Siebert was elected president and Elizabeth Crowther secretary.

The Kentucky State Historical Society has issued a supplement to *Catalogue No. 5,* giving information concerning the Society and its work.

The thirty-fifth annual meeting of the American Historical Association held at Cleveland, Ohio, on December 29–31, 1919, was the first for two years, the thirty-fourth having been omitted. Edward Channing of Harvard University was chosen president of the Association for the ensuing year, and John Spencer Bassett of Smith College was made secretary.

The Nebraska State Historical Society, in conjunction with various other organizations, prepared a program for the celebration of the one hundredth anniversary of the arrival of United States soldiers in Nebraska and the establishment of Fort Atkinson which, from 1819–1827, was the most western post garrisoned by United States troops. The celebration was held near Omaha on October 11, 1919. Albert Watkins delivered an address on the *Historical Significance of the Fort Atkinson Centennial Celebration,* Col. G. L. Townsend spoke on *The Sixth Infantry Regiment,* and Col. B. W. Atkinson described *The Founders of Fort Atkinson.*

At the annual meeting of the American Historical Association which convened at Cleveland, Ohio, on December 29–31, 1919, there was held a joint session of the Conference of Historical Societies and the National Association of State War History Organizations.

The preservation of war material was discussed by Wallace H. Cathcart, of the Western Reserve Historical Society, Frank H. Severance of the Buffalo Historical Society, and Frank M. Gregg of Cleveland. The publication of war material was discussed by Arthur K. Davis, of the Virginia War History Commission, and Benj. F. Shambaugh of The State Historical Society of Iowa. George S. Godard of the Connecticut State Library was chosen chairman of the Conference of Historical Societies for the year 1920, and John C. Parish of The State Historical Society of Iowa was made secretary.

THE STATE HISTORICAL SOCIETY OF IOWA

Fort Des Moines in Iowa History, by Ruth A. Gallaher, and *The Writing of War History in Iowa,* by Marcus L. Hansen, are two numbers recently added to the *Iowa and War* series published by The State Historical Society of Iowa. An index number completes this series of pamphlets. A number of volumes covering Iowa's part in the World War in a comprehensive form are now being prepared for publication by the Society.

The following persons have recently been elected to membership in the Society: Mr. W. H. Antes, West Union, Iowa; Mr. Allan F. Beck, Mason City, Iowa; Mr. Hugh S. Bell, Clear Lake, Iowa; Mr. Sauer C. Bell, Waterloo, Iowa; Mrs. Jennie I. Berry, Cedar Rapids, Iowa; Mr. James L. Cameron, Eldora, Iowa; Mrs. Floyd L. Chamberlain, Waterloo, Iowa; Miss Helen Clapp, West Union, Iowa; Miss Florence L. Clark, McGregor, Iowa; Mr. Woodworth Clum, Davenport, Iowa; Mr. E. E. Dotson, Colfax, Iowa; Mr. M. O. Fouts, Independence, Iowa; Dr. Q. C. Fuller, Milford, Iowa; Mrs. B. B. Griffith, Harlan, Iowa; Miss Mabel Huebsch, Le Mars, Iowa; Mrs. Mary H. S. Johnston, Humboldt, Iowa; Miss Mabel H. Kenea, Clarinda, Iowa; Mr. Ralph H. King, Primghar, Iowa; Mr. Robert L. Leach, Adel, Iowa; Mr. Arthur H. McKechnie, Nevada, Iowa; Mrs. Blanche F. Miller, Tipton, Iowa; Mrs. Evelyn S. O'Dea, Des Moines, Iowa; Miss Bertha K. Sargent, Grundy Center, Iowa; Mr. Chester B. Schouten, Keokuk, Iowa; Mr. Alfred C. Smith, Clinton, Iowa; Mr. Heman Hale Smith, Lamoni, Iowa; Mrs. Ida B. Smith, Cedar Rapids, Iowa; Mr. Lorne F. Smylie, Missouri Valley, Iowa; Mr. Earl W. Vincent, Guthrie Center, Iowa; Mrs. T. W. Watkins,

Montgomery, Iowa; Mrs. Elizabeth Springer Whipple, Wapello, Iowa; Mr. David R. Witter, Council Bluffs, Iowa; Mr. H. C. Adams, Algona, Iowa; Mr. E. P. Adler, Davenport, Iowa; Mr. Chester N. Ambler, Odebolt, Iowa; Mr. F. W. Annis, Osage, Iowa; Dr. David E. Beardsley, Cedar Rapids, Iowa; Mr. M. L. Beazley, Washta, Iowa; Mr. F. F. Benedict, South English, Iowa; Mr. N. J. Breckner, West Union, Iowa; Mrs. Fred S. Brown, Cedar Rapids, Iowa; Mr. Paul Brown, Indianola, Iowa; Mr. John Burianek, Jr., Cedar Rapids, Iowa; Mr. Rush C. Butler, Chicago, Illinois; Mr. C. D. Carpenter, Webster City, Iowa; Mr. Howard J. Clark, Des Moines, Iowa; Mr. L. C. W. Clearman, Iowa City, Iowa; Mr. James H. Cochrane, Pella, Iowa; Mr. Gardner Cowles, Des Moines, Iowa; Mr. Raym. L. Davison, Wapello, Iowa; Mr. Sidney J. Dillon, Des Moines, Iowa; Mr. W. J. Doyle, Davenport, Iowa; Rt. Rev. T. W. Drumm, Des Moines, Iowa; Miss Flora Dunlap, Des Moines, Iowa; Mr. John M. Ely, Cedar Rapids, Iowa; Mr. E. H. Estey, West Union, Iowa; Mr. Burt Forbes, Laurens, Iowa; Mr. F. H. French, Davenport, Iowa; Mr. L. D. Frisbee, Sheldon, Iowa; Mr. O. F. Fryer, Fairfield, Iowa; Mr. J. G. Gamble, Des Moines, Iowa; Mr. Warren Garst, Des Moines, Iowa; Mr. W. M. Gewehr, Sioux City, Iowa; Mr. C. G. Greene, Cedar Rapids, Iowa; Mr. Orville C. Greene, Clarinda, Iowa; Miss Mae Gustafson, Des Moines, Iowa; Mr. Chas. R. Hannan, Jr., Council Bluffs, Iowa; Mr. Wm. C. Harbach, Des Moines, Iowa; Mr. Horace G. Hedges, Cedar Rapids, Iowa; Mr. L. H. Henry, Sioux City, Iowa; Mr. Henry B. Holsman, Guthrie Center, Iowa; Mr. Charles E. Hughes, Belle Plaine, Iowa; Mr. Forest Huttenlocher, Des Moines, Iowa; Mr. Milo I. Johnson, Laurens, Iowa; Mr. Reson S. Jones, Des Moines, Iowa; Mr. Chas. W. Kline, Waterloo, Iowa; Mr. N. G. Kraschel, Harlan, Iowa; Miss Lillian Leffert, Des Moines, Iowa; Mr. D. E. Lomas, Villisca, Iowa; Mr. D. L. McMurry, Iowa City, Iowa; Mr. W. E. Mitchell, Council Bluffs, Iowa; Mr. Joe H. Morris, Albia, Iowa; Mr. George A. Mullin, Cedar Rapids, Iowa; Mr. E. B. Myers, Sheldon, Iowa; Mr. C. M. Parker, Cedar Falls, Iowa; Mr. John L. Peterson, Webster City, Iowa; Mr. J. C. Pryor, Jr., Council Bluffs, Iowa; Miss Hazel Putnam, Woodbine, Iowa; Mr. W. C. Ramsay, Des Moines, Iowa; Mr. Harry M. Reed, Independence, Iowa; Mr. H. F. Roney, West Union, Iowa; Mr. D. L. Ross, Council Bluffs, Iowa; Dr. Fred C.

Sage, Waterloo, Iowa; Mr. E. R. Sayles Guthrie Center, Iowa; Mr. Earl Smith, Mason City, Iowa; Mr. Frank S. Smith, Nevada, Iowa; Mr. R. A. Stevenson, Iowa City, Iowa; Mr. Roe P. Thompson, Des Moines, Iowa; Dr. C. F. Wahrer, Fort Madison, Iowa; Mr. E. W. Waterbury, New York City; Mr. Frank G. Weeks, Carson, Iowa; Mrs. Mary E. Wheelock, Eldora, Iowa; Mr. G. R. Ahrens, Belle Plaine, Iowa; Mr. Walter E. Anderson, Clarinda, Iowa; Mr. E. L. Balz, Mason City, Iowa; Mr. James E. Blythe, Mason City, Iowa; Mr. C. O. Button, Sheldon, Iowa; Mr. Frank Ephraim Chesley, Goldsboro, North Carolina; Mr. J. H. Cline, West Union, Iowa; Mr. Geo. A. Crane, Dexter, Iowa; Mr. J. C. Dennison, Bellevue, Iowa; Mr. John W. Dilts, Randolph, Iowa; Mr. M. H. Driftmier, Clarinda, Iowa; Mr. Fred M. Enders, Cedar Rapids, Iowa; Mr. H. H. Epperson, Sioux City, Iowa; Mr. B. F. Fast, Villisca, Iowa; Mr. Hugo Gebert, Denison, Iowa; Dr. Ed A. Hanske, Bellevue, Iowa; Mr. W. B. Hays, Centerville, Iowa; Mr. Allen Edward Hickey, Des Moines, Iowa; Mrs. F. M. Hopkins, Guthrie Center, Iowa; Mr. R. S. Howell, Des Moines, Iowa; Mr. Vernon Johnson, Sidney, Iowa; Mr. Geo. Kuhns, Des Moines, Iowa; Mr. F. M. Laird, Tabor, Iowa; Mr. William E. Lamb, Evanston, Illinois; Mrs. Lewis R. Lewis, Fonda, Iowa; Mr. Norman A. Madson, Bode, Iowa; Mr. Calvin Manning, Ottumwa, Iowa; Mr. C. W. Mitchell, Sidney, Iowa; Mr. T. E. Moen, Inwood, Iowa; Mr. Albert B. Moore, Ames, Iowa; Mr. Alfred C. Mueller, Davenport, Iowa; Mr. Frank W. Mueller, Davenport, Iowa; Mr. T. L. Myers, Guthrie Center, Iowa; Mr. John W. Neasham, Ottumwa, Iowa; Mr. E. G. Nourse, Ames, Iowa; Mr. L. Oransky, Des Moines, Iowa; Mr. F. D. Peet, Iowa Falls, Iowa; Mr. L. R. Roberts, Adel, Iowa; Mr. Fred W. Schneider, West Union, Iowa; Mr. Clarence C. Schrier, Indianola, Iowa; Mr. Leon H. Smalley, Hamburg, Iowa; Mr. John E. Stansbury, Cedar Rapids, Iowa; Mr. George B. Stewart, Fort Madison, Iowa; Mr. Leo D. Thoma, Fairfield, Iowa; Mr. Robert Tipton, Belle Plaine, Iowa; Mr. John P. Wallace, Des Moines, Iowa; Mr. Nelson W. Wehrhan, Tabor, Iowa; Mr. Leonard H. Wells, Minneapolis, Minnesota; and Mr. G. C. Wyland, Avoca, Iowa. The following persons have been enrolled as life members: Mr. E. E. Clark, Des Moines, Iowa; and Mr. C. W. Wassam, Iowa City, Iowa.

NOTES AND COMMENT

The thirty-fourth annual reunion of the Van Buren County Veteran Association was held at Keosauqua, on October 2, 1919. James A. Fowler was reëlected president and R. R. McBeth was again chosen secretary.

An old settlers reunion was held at Fairfield, on October 1, 1919. The following officers were elected: Russell Smith, president; B. T. Raines, vice president; and Wm. L. Long, treasurer.

A meeting of the old settlers of Dickinson County was held at Milford, on October 25, 1919, and an organization known as the Old Settlers Association of Dickinson County was formed. Gunder Mattheson was elected president and J. F. Ewen secretary of the Association.

The annual reunion of the Twenty-fifth Iowa Infantry was held at Burlington on October 7 and 8, 1919. Only eighty-seven of the original 1136 men are now living and only thirty-six of these were able to attend the meeting. Col. D. J. Palmer, the former commander of the regiment, gave the principal address.

The twenty-second annual convention of the League of Iowa Municipalities was held at Muscatine on September 16–18, 1919. R. S. McNutt, mayor of Muscatine, gave the address of welcome and Ben P. Poor presented the work of the League. Frank G. Pierce submitted the report of the secretary-treasurer.

The thirty-first annual reunion of the Eighteenth Iowa Infantry was held at Chariton, on October 7 and 8, 1919. Wm. E. Beardsley was chosen president and R. M. Adams vice president.

A history of Wright County's part in the war has recently been placed on sale by the publishers, Osten Sacken & Jones.

A bulletin has been issued by the Iowa Press and Author's Club commending *The Midland* for its contributions to the literature of the Middle West.

The Seventeenth Iowa Veteran Infantry held a reunion at Pella, on October 23, 1919. Only twelve of the original 1045 men answered the roll call at this meeting. John A. Crozier was elected president and Alec Trimble vice president for the ensuing year.

The Adams County Veterans Association held its annual reunion at Corning on October 4, 1919. Samuel Brown and Col. Claude M. Stanley were the principal speakers.

The war history of Calhoun County has been completed and will soon be printed. Efforts are also being made to complete the Buena Vista County war history. The volumes on *Marshall County in the World War* are now being distributed.

The association of pioneers known as the Hawkeye Natives is planning a State-wide organization to include societies in every county of Iowa. The objects of the society are social and historical. The association is now incorporated with headquarters at Burlington, in Des Moines County. A second Hawkeye Natives society for Lee County is now being considered.

The Wisconsin War History Commission, organized in October, 1919, with John G. Gregory as secretary, is planning the publication of a history of the Thirty-second Division to be compiled under the supervision of General Haan. An official history of Wisconsin's part in the World War is also under way.

The fourteenth annual reunion of the Hornet's Nest Brigade was held at Perry, on October 22 and 23, 1919. This is the brigade which distinguished itself at the battle of Shiloh and which included the Second, Seventh, Eighth, Twelfth, and Fourteenth Iowa regiments. Col. D. J. Palmer was reëlected commander of the brigade and a vice president was chosen from each of the regiments. J. E. Kent was reëlected secretary and treasurer. Stanley Trevarthen and Lieut. W. R. Polonius gave addresses on patriotic subjects.

JESSE MACY

Professor Jesse Macy died at Grinnell, on November 2, 1919. He was born in Henry County, Indiana, on June 21, 1842, and came to Iowa while a child. In 1870 he was graduated from Iowa College, now Grinnell College, and became an instructor in that institution

the following year. He was made Professor of Political Science in 1888 and served in this capacity until 1912. Professor Macy was among the first to realize the importance of teaching civil government in the schools. In addition to his work as an instructor, Professor Macy found time to publish a large number of books on government and political science. Among these the following may be mentioned: *Civil Government in Iowa; The English Constitution; Political Parties in the United States, 1846–61;* and *The Anti-Slavery Crusade.* Although of Quaker origin, Mr. Macy served during the Civil War in hospital and non-combatant service and in the World War he was outspoken in his opposition to the German government.

PUSH-E-TON-E-QUA

Push-e-ton-e-qua, the last Indian chief in the United States recognized as such by the government, died at his home on the reservation near Toledo, on November 6, 1919. He was buried on a hill overlooking the Iowa River, with funeral rites due a chief. The funeral oration was delivered in the Indian language by John Jones, one of the younger men of the tribe.

Push-e-ton-e-qua was born near Marengo — probably in 1842, the very year the Sac and Fox Indians ceded their Iowa lands to the whites. In 1847 he went to Kansas with the other members of the tribe, but returned to Iowa about 1858 with some of the homesick Indians who had determined to live in their beloved Iowa. In 1882, he became the chief of the Meskwakis and has continued in that position until his death, although his right to the office has been contested by other claimants. Push-e-ton-e-qua was acquainted with many of the influential men of the locality and at Washington. Progressive in some things, he was yet steadfastly attached to the Indian customs and his death removes one of the picturesque figures in the history of Iowa.

LAENAS G. WELD

Laenas Gifford Weld, whose death occurred at Pullman, Illinois, on November 29, 1919, was one of the distinguished men of Iowa. He was born at Sherwood, Michigan, on December 30, 1862, and

was graduated from the State University of Iowa in 1883. After two years experience in the Burlington high school, Mr. Weld returned to the University in 1886 as assistant professor of mathematics. In 1889 he became head of the department and served in this position until 1911. In addition to his departmental work he served as Dean of the Graduate College from 1900–1907, Director of the School of Applied Science from 1903–1905, and Dean of the College of Liberal Arts from 1907–1910. In 1911 Mr. Weld became the Director of the Pullman Free School of Manual Training, founded at Pullman, Illinois, under a bequest of George M. Pullman.

CONTRIBUTORS

CYRIL BRYCE UPHAM, Instructor in Political Science in The State University of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1919, p. 152.)

LOUIS BERNARD SCHMIDT, Associate Professor of History in the Iowa State College of Agriculture and Mechanic Arts. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for October, 1912, p. 593.)

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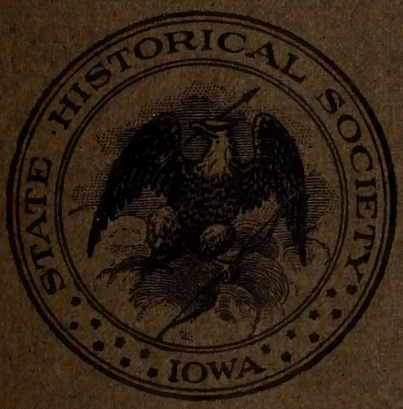
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Associate Editor, JOHN C. PARISH

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SPECIAL MUNICIPAL CHARTERS IN IOWA
1836–1858

For several centuries the special charter method for the incorporation of municipalities was followed both in England and in America. During the nineteenth century, however, the evils of special legislation became so apparent that the practice of granting special charters to municipal corporations was prohibited by constitutional provision in most of the Commonwealths of America.

The experience of Iowa relative to special charters is similar to that of other States. Here special charters were granted by the legislature during the period from 1836 to 1858. But in 1857 a clause was placed in the new Constitution prohibiting special laws "for the incorporation of cities and towns". During the period from 1836 to 1858 there were, however, two general incorporation acts — one enacted by the Territorial legislature of Wisconsin (which remained in force until 1840), and one enacted in 1847 by the Iowa State legislature which operated until the enactment of the general incorporation law of 1858. Since 1858 most of the cities operating under special charters have voluntarily given them up and have organized under the general act. Only five cities still retain their special charters.

The sixty charters and their amendments which were voted to the special charter cities between 1836 and 1858 form the basis of this study. The aim has been to show the outline of the government of the cities operating under this plan. In this article no attempt has been made to

interpret the provisions of the charters nor to present the decision of the courts relative thereto.

I

HISTORICAL INTRODUCTION

The people who settled in the Iowa country at the close of the Black Hawk War[1] came for the most part from the older settled regions east of the Mississippi River — especially from the jurisdictions which had been carved out of the Old Northwest. In many instances the ideas of political organization which they attempted to put into operation in the newly opened country were not adapted to the conditions of a frontier community.

A tendency to adopt the statute laws of other jurisdictions has been especially noted in connection with the establishment of county and township government in Iowa. In fact some of the earlier statutes providing government for these local units were taken bodily and without discrimination from the early statutes of Ohio.[2] The same lack of discriminating judgment is clearly seen in the early laws of Iowa relative to municipal government. Thus the practice of granting special charters to cities and towns was adopted from Wisconsin and Michigan without question.[3]

Nor was the granting of special municipal charters an original idea with the pioneer lawmakers of Iowa; neither was it the creative work of the people of the States formed out of the Old Northwest. Indeed, special municipal charters were common in colonial times — a fact which suggests their origin in England.[4] It appears that the first English

[1] Salter's *Iowa: The First Free State in the Louisiana Purchase*, p. 157.

[2] Aurner's *History of Township Government in Iowa*, pp. 27–32. Little discrimination seems to have been exercised in the selection of laws because sections of the adopted law having to do with the duties of officers were copied when these particular offices had not as yet been created.

[3] See below, note 26.

[4] Dillon's *Municipal Corporations* (5th edition), Vol. I, p. 24.

charter for the incorporation of a city was granted in 1439 to the borough of Kingston-upon-Hull;[5] but the movement for the incorporation of cities really began with the accession of the Tudors at the close of the fifteenth century.

The early English charters did not provide for the incorporation of the whole body of citizens, but only of the few — the oligarchy — with whom the chief authority of the municipality rested. Thus, the granting of special privileges to a few whom the King could control made his influence over Parliament all the more potent owing to the fact that many of its members were elected by the boroughs in which the incorporated oligarchies were supreme. Moreover, the purpose of these special municipal charters in England seems to have been not to make the boroughs more independent or to encourage self-government, but rather to coerce them into harmony with the policy of the royal government which leaned toward centralization.[6] As late as 1830 the English cities were under the control of the wealthy class.

The inhabitants of these chartered cities in England were deprived of nearly all of the powers of local self-government and were ruled by officers whom they were powerless to change. Indeed, local governments were so unrepresentative that it was useless to give them any of the new functions of administration. The care of the poor, lighting, and the paving of streets were functions discharged outside the corporation itself. In fact the corporation "embraced only such matters as the care of municipal property, the issue of police ordinances, and the discharge of certain functions connected with the administration of justice."[7] As a matter of fact the borough was not looked upon as a local organization for the performance of governmental

[5] Goodnow's *Municipal Government*, p. 68.

[6] Goodnow's *Municipal Government*, pp. 68, 69.

[7] Goodnow's *Municipal Government*, p. 70.

functions within the municipal area: it was viewed, on the one hand, as a juristic person with property of its own to be made use of for the benefit of those entitled to it (who were not many in number) and, on the other hand, as a mere delegate of the state government, for which it acted in matters of state rather than of local concern — as, for example, in the administration of justice.[8]

From the mother country the early colonists brought to America, along with the Common Law, the English form of municipal government; and so the chartered borough became an American institution. During the colonial period twenty boroughs were chartered. The first of these was New York, "which dates its civic existence from 1653, became an English municipal corporation in 1665, and received its first charter in 1686."[9] Sixteen of the other charters granted during this period were similar to that of New York and were modeled upon those existing in England at that time.

Colonial municipal charters were granted by the provincial governors of the colonies, in much the same way that the English towns received their charters from the Crown or Parliament. The principal authority was vested in the council composed of the mayor, recorder, aldermen, and assistants or councilmen as they were sometimes called. This council acted as a single body, and in addition to the usual administrative functions performed certain judicial duties.[10]

Although the early colonial charters were in general like those in England during the same period, there was one important difference in organization: in only three of the American cities was the governing authority made a "close

[8] Goodnow's *Municipal Government*, pp. 70, 71.

[9] Fairlie's *Municipal Administration*, p. 72.

[10] Fairlie's *Municipal Administration*, p. 73.

corporation". In the three instances where the governing authority was a close corporation, the aldermen and councilmen held their positions for life, and vacancies were filled by the common council which thus became a self-perpetuating body; but with the exceptions noted the towns elected their common council by popular vote, under a restricted franchise, for a term varying from one year to life. The mayor was either chosen by the aldermen from their own number, as in the close corporation, or he was appointed by the colonial governor. His term was invariably one year, although reappointments were not uncommon.[11]

After the colonies had secured their independence the State legislatures took upon themselves the authority of granting charters to municipalities — a power hitherto exercised by the colonial governor.[12] The first legislative charters were very similar to those which had been granted at an earlier time; indeed, there were few if any important developments in municipal organization and powers. The close corporation, however, soon ceased to exist, and the council was made an elective body. By the end of the eighteenth century municipalities had come to be completely controlled by legislatures; and not even existing charters were "recognized as barring any measure the legislature might feel disposed to enact."[13]

The complete supremacy of the State legislatures over cities marks an important epoch in the history of municipal government in the United States. Whatever might have been the motive in bringing about this situation the results seem to have been unfortunate. This is evidenced by the fact that the early charters granted by the legislature were very narrow in the scope of the powers conferred upon

[11] Fairlie's *Municipal Administration,* pp. 73, 74.

[12] Fairlie's *Municipal Administration,* pp. 77, 78.

[13] Fairlie's *Municipal Administration,* pp. 78, 79.

cities, and included only the right to "exercise judicial powers through the special courts that were established, the right to issue police regulations, and the right to manage the property with which the cities were endowed by the charter". Furthermore, the only income of the municipalities was derived from fines or revenue from city property. They had no taxing power, but usually had authority to borrow money.[14]

The extremely narrow field in which the cities were authorized to operate resulted in repeated applications to the legislature for relief and for an enlargement of power. The State legislature having assumed the authority to grant charters, the cities were powerless to act or exercise any function not "expressly granted or necessarily implied" by their charter, and in interpreting the provisions of charters the courts have been very rigid.[15]

In the earlier years the idea prevailed that a charter was a contract that could not be altered without the consent of the contracting parties. Following this interpretation the State legislatures made only those changes in the charters which were demanded by the petitioning cities; but by 1850 this idea had apparently been abandoned, since the legislatures were then enacting special laws for incorporated cities without their consent or approval — a practice which was upheld by the courts.[16] This attitude of the State legislatures was most unfortunate since it led to an era of special legislation the evils of which were clearly apparent almost from the first. Such was the dissatisfaction that in many States sections were inserted in the State Constitution prohibiting the enactment of any special legislation.[17]

[14] Goodnow's *Municipal Government*, p. 80.

[15] Goodnow's *Municipal Government*, pp. 80, 81.

[16] Goodnow's *Municipal Government*, p. 80.

[17] *Constitution of Iowa*, 1857, Art. III, Sec. 30.

Finally, in America an era of general incorporation acts for cities and towns followed the English practice which began in 1835. After prohibiting special legislation by constitutional provision or amendment, some States abolished "all special charters, or all with enumerated exceptions" and enacted "*general provisions for the incorporation, regulation, and government* of municipal corporation."[18]

In Iowa since 1857 incorporation of cities and towns under a general law has been the rule, based upon a statutory classification of municipalities. Cities and towns of Iowa operating under special charter at the time of the adoption of the present Constitution, although unaffected by the general statute, were granted permission to give up their charters and organize under the general law.[19] Even though a city may be operating under a special charter, the legislature in Iowa may pass laws affecting it in the same manner that legislation may be enacted for any other class of cities.[20] Although special legislation was prohibited by the Constitution of 1857, statutes may be found which are in reality special legislation. But such laws are framed in general terms and the Supreme Court has not declared any of them invalid. An illustration of this type of legislation is the statute of 1902 which provides for the creation and establishment of a board of police and fire commissioners in cities having a population of more than sixty thousand — a law which at the time could apply to only one city in the State, namely, Des Moines.[21]

The first special charters granted to municipalities in the Iowa country were enacted by the legislature of the original

[18] Dillon's *Municipal Corporations* (5th edition), Vol. I, p. 96.

[19] *Code of 1897*, Sec. 631.

[20] *Code of 1897*, Secs. 933–1056.

[21] *Laws of Iowa*, 1902, Ch. 31.

Territory of Wisconsin for the cities of Burlington and Fort Madison.[22] Although they were approved on the same day (January 19, 1838) and follow the same general plan these charters differ greatly in detail. While both charters provided for an annual election of officers by the qualified voters, it appears that they differ as to the time of holding election, the number of officers, and the qualifications of voters. The Burlington charter, strangely enough, provided that the officers should "be commissioned by the governor of the territory".[23] Moreover the Fort Madison charter permitted the council to appoint the subordinate officers. Both charters authorized the council to levy taxes, but the basis for such levy was ad valorem in the Burlington charter, while in the Fort Madison charter the levy was on a percentage scale. Indeed the charter granted to Burlington seems to have been very liberal since the council was authorized to borrow money "for any public purpose", and the people were given an opportunity to vote on the acceptance of the charter. Both of these charters contained the provision that "any future legislature" might alter, amend, or repeal "this act".

The first legislature of the Territory of Iowa, which convened at Burlington in 1838, following the example of the Wisconsin legislation, enacted special charters for Bloomington (now Muscatine)[24] and Davenport.[25] The Bloomington charter was almost identical in its provisions with the Fort Madison charter mentioned above — as were also the charters of Salem, Farmington, Iowa City, and Mount Pleasant which were granted at a later date. Indeed, it appears that the statutes of the original Territory

[22] *Laws of the Territory of Wisconsin*, 1836–1838, pp. 470, 481.

[23] *Laws of the Territory of Wisconsin*, 1836–1838, p. 471.

[24] *Laws of the Territory of Iowa*, 1838–1839, p. 248.

[25] *Laws of the Territory of Iowa*, 1838–1839, p. 265.

of Wisconsin and of the State of Michigan not only furnished the model, but also provided the content for the first charters which were granted by the Territorial legislature of Iowa.[26]

At the second session of the Iowa Legislative Assembly, in 1839-1840, the towns of Salem and Dubuque were voted charters; and in the following year Farmington, Nashville, and Iowa City were permitted to incorporate under special acts.[27] Davenport and Mount Pleasant were granted new charters in 1842, and at the same session Fort Madison and Keosauqua were authorized to incorporate under special charters.[28] During the next two regular sessions of the Assembly no special charters were granted, although at the session of 1843-1844 the Iowa City charter of 1841 was revived and declared to be in full force.[29] Burlington received a new charter in 1845, and in the following year Dubuque was given a second charter.[30] Thus a total of

[26] Compare the *Laws of Michigan,* 1835–1836, pp. 174–179, 179–184, 184–188; *Laws of the Territory of Wisconsin,* 1836–1838, pp. 481–485; *Laws of the Territory of Iowa,* 1838–1839, pp. 248–252.

Note also the similarity of the *Laws of the Territory of Iowa,* 1839–1840, pp. 72–75, 1840–1841, pp. 33–36, 97–100, 1841–1842, pp. 14–16.

[27] References to acts of the legislature granting special charters to municipalities named in the text are as follows: Salem, *Laws of the Territory of Iowa,* 1839–1840, p. 72; Dubuque, *Laws of the Territory of Iowa,* 1839–1840, p. 124; Farmington, *Laws of the Territory of Iowa,* 1840–1841, p. 33; Nashville, *Laws of the Territory of Iowa,* 1840–1841, p. 88; Iowa City, *Laws of the Territory of Iowa,* 1840–1841, p. 97.

[28] References to acts of the legislature granting special charters to municipalities named in the text are as follows: Davenport, *Laws of the Territory of Iowa,* 1841–1842, p. 41; Mount Pleasant, *Laws of the Territory of Iowa,* 1841–1842, p. 14; Fort Madison, *Laws of the Territory of Iowa,* 1841–1842, p. 74; Keosauqua, *Laws of the Territory of Iowa,* 1841–1842, p. 107.

[29] *Laws of the Territory of Iowa,* 1843–1844, p. 156.

[30] References to acts of the legislature granting special charters to municipalities named in the text are as follows: Burlington, *Laws of the Territory of Iowa,* 1845, p. 73; Dubuque, *Laws of the Territory of Iowa,* 1845–1846, p. 114.

thirteen special municipal charters were voted during the period of the Territory of Iowa.

In the year 1847 Farmington and Dubuque were granted new charters and the towns of Fairfield and Keokuk were given their first charters by the General Assembly of the State of Iowa.[31] Fort Madison[32] was given a new charter — the third and last for that city — at the extra session in 1848. Keokuk[33] received a second charter in 1849 and at the same session Cedar Rapids was voted a first charter.[34] At the session of the legislature which convened at Iowa City in 1850 municipal charters were enacted for seven communities, namely, Bloomington (now Muscatine), Davenport, Iowa City, Mount Pleasant, Guttenberg, Bellevue, and Keosauqua.[35] Indeed, up to this time, at no session of the Iowa legislature had so many charters been granted. During the next two sessions charters were granted to "Fort" Des Moines, Council Bluffs, Iowa City, Mount Pleasant, Bloomfield, Le Claire, Knoxville, Oskaloosa, and Lyons; and during the extra session of 1856 Mount Pleasant, Wapello, and Ottumwa were given charters.[36] In

[31] Reference to acts of the legislature granting special charters to municipalities named in the text are as follows: Farmington, *Laws of Iowa,* 1846–1847, p. 95; Dubuque, *Laws of Iowa,* 1846–1847, p. 104; Fairfield, *Laws of Iowa,* 1846–1847, p. 49; Keokuk, *Laws of Iowa,* 1846–1847, p. 154.

[32] *Laws of Iowa,* 1848, p. 64.

[33] *Laws of Iowa,* 1848–1849, p. 18.

[34] *Laws of Iowa,* 1848–1849, p. 116.

[35] References to acts of the legislature granting special charters to municipalities named in the text are as follows: Bloomington, *Laws of Iowa,* 1850–1851, p. 59; Davenport, *Laws of Iowa,* 1850–1851, p. 110; Iowa City, *Laws of Iowa,* 1850–1851, p. 84; Mount Pleasant, *Laws of Iowa,* 1850–1851, p. 195; Guttenberg, *Laws of Iowa,* 1850–1851, p. 100; Bellevue, *Laws of Iowa,* 1850–1851, p. 206; Keosauqua, *Laws of Iowa,* 1850–1851, p. 142.

[36] References to acts of the legislature granting special charters to municipalities named in the text are as follows: Des Moines, *Laws of Iowa,* 1852–1853, p. 49; Council Bluffs, *Laws of Iowa,* 1852–1853, p. 108; Iowa City, *Laws of Iowa,* 1852–1853, p. 99; Mount Pleasant, *Laws of Iowa,* 1854–1855, p. 136;

1857 Glenwood, Winterset, Sioux City, Centerville, Clinton, Newton, Tipton, Maquoketa, Albia, Washington, Eddyville, Des Moines, Burris City, Charles City, Camanche, and Princeton received special charters.[37]

The number of special charters granted at the session of 1856-1857 may be explained by the fact that the new Constitution, which was to go into operation in September, 1857, contained a provision which would prohibit the legislature from enacting special laws; and so the towns wishing special charters besieged the legislature "while there was yet time". Following the adoption of the new Constitution in 1857, the General Assembly which met in 1858 passed a general act[38] for the incorporation of cities and towns. Thus the era of special municipal charters was brought to a close. During the period from 1838 to 1858 forty cities and

Bloomfield, *Laws of Iowa,* 1854–1855, p. 9; Le Claire, *Laws of Iowa,* 1854–1855, p. 20; Knoxville, *Laws of Iowa,* 1854–1855, p. 97; Oskaloosa, *Laws of Iowa,* 1854–1855, p. 123; Lyons, *Laws of Iowa,* 1854–1855, p. 142; Mount Pleasant, *Laws of Iowa,* 1856 (Extra Session), p. 18; Wapello, *Laws of Iowa,* 1856 (Extra Session), p. 52; Ottumwa, *Laws of Iowa,* 1856 (Extra Session), p. 63.

[37] References to acts of the legislature granting special charters to municipalities named in the text are as follows: Glenwood, *Laws of Iowa,* 1856–1857, p. 33; Winterset, *Laws of Iowa,* 1856–1857, p. 41; Sioux City, *Laws of Iowa,* 1856–1857, p. 51; Centerville, *Laws of Iowa,* 1856–1857, p. 107; Clinton, *Laws of Iowa,* 1856–1857, p. 132; Newton, *Laws of Iowa,* 1856–1857, p. 143; Tipton, *Laws of Iowa,* 1856–1857, p. 159; Maquoketa, *Laws of Iowa,* 1856–1857, p. 176; Albia, *Laws of Iowa,* 1856–1857, p. 208; Washington, *Laws of Iowa,* 1856–1857, p. 219; Eddyville, *Laws of Iowa,* 1856–1857, p. 245; Des Moines, *Laws of Iowa,* 1856–1857, p. 281; Burris City, *Laws of Iowa,* 1856–1857, p. 313; Charles City, *Laws of Iowa,* 1856–1857, p. 325; Camanche, *Laws of Iowa,* 1856–1857, p. 359; Princeton, *Laws of Iowa,* 1856–1857, p. 416.

[38] *Laws of Iowa,* 1858, p. 343. It should be noted, however, that this was not the first general incorporation act in the history of Iowa. In 1836 the Legislative Assembly of the original Territory of Wisconsin passed such an act — which remained in force until 1840. Again in 1847 the General Assembly passed a general incorporation act; but it is apparent that the larger and more important municipalities did not take advantage of the provisions of this legislation. Special charters were preferred.

towns had been granted special charters. Twenty-seven towns had been granted one charter; eight towns had been given two; three towns had been given three; and two towns had received four. Altogether sixty municipal charters,[39] besides more than twice that number of amendments, had been provided by special legislation.

II

SOME GENERAL OBSERVATIONS ON SPECIAL CHARTERS IN IOWA

Since special legislation in Iowa was based upon historical precedents it may be presumed that the general characteristics of the Iowa legislation were similar to those found in the statute laws of other States.

THE METHOD OF SECURING SPECIAL CHARTERS

Special municipal charters in Iowa were granted by the legislature which alone had the power to create municipal corporations. According to the early American practice the legislature voted such charters only when requested by the people of the local area. In England, however, especially during the seventeenth and eighteenth centuries, the Crown or Parliament granted special charters to local areas not only when requested by the inhabitants but often in the face of bitter opposition.[40]

The usual method of securing a special charter in Iowa was for the inhabitants of a city or town to petition the legislature in writing. In some instances, a delegation from the locality was sent to the capital for the purpose of presenting a charter which had previously been drafted by a committee of citizens. The proposed charter was of

[39] See Appendix, p. 267.

[40] Dillon's *Municipal Corporations* (5th edition), Vol. I, p. 181.

course introduced in the legislature by a member thereof.[41] Over the granting of municipal charters the legislature had absolute control — it might frame or amend, accept or reject any proposed charter. Following the introduction of a charter bill there seems to have been little uniformity in the procedure of either house of the legislature in reference to its disposition. The proposed act was usually read the first time by the title and ordered to be laid upon the table and printed. At its second reading the bill was considered in the committee of the whole, or it was referred to the committee on judiciary or to the committee on incorporations or to the delegation from the county in which the city or town in question was situated.[42] Final action was taken on the charter bill after the third reading.

The special charter bills were usually passed without much discussion — which seems to suggest that they were not considered as very important legislation by the members of the legislature. In this connection, however, it may be noted that while the records do not show that a charter bill ever failed to pass the legislature, three such bills were vetoed — one by Governor Lucas and two by Governor Grimes — on the ground of irregularities of enactment.[43]

Even though the members of the legislature seem to have been disposed to grant a charter to any municipality that petitioned for one, the inhabitants of cities in a few instances refused the charters which had been voted by the legislature. Most of the charters contained a referendum clause providing for a special election at which the qualified voters could accept or reject the proposed instrument.

[41] *Council Journal*, 1840–1841, p. 131.

[42] *Council Journal*, 1838–1839, pp. 55, 168, 173, 195, 1839–1840, p. 128, 1840–1841, pp. 172, 174.

[43] *Senate Journal*, 1856, p. 253; *House Journal*, 1856, p. 350; *Council Journal*, 1839, p. 150. The towns affected by these vetoes were Dubuque, Winterset, and Centerville.

In reality the same power was given to the voters by those charters having no referendum provision: to reject the charter it was only necessary for the people to refuse to hold an election of officers. Just how many charters failed to go into operation would be difficult to determine as the town records are in not a few instances incomplete and unsatisfactory, but that some of the charters granted by the legislature did fail to become operative is a well known fact.[44]

THE MUNICIPALITY AS A CORPORATION

Municipalities incorporated by special or general acts of the legislature have been held to be corporate bodies. In fact most special municipal charters specifically declare the inhabitants of the incorporated area to be a "body politic and corporate".[45] Although a few of the charters granted to the cities and towns of Iowa simply provided that the "said city is made a body corporate, and is invested with all powers and attributes of a municipal corporation", most of these special instruments of municipal government contained a specific grant of corporate powers. Indeed the most usual and most comprehensive statement of the powers of the corporation was made in these words:

> That the mayor and aldermen . . . . shall be one body politic in deed, fact, and name, with perpetual succession, to be known and called by the name of the mayor and aldermen of the city of ————; and that they and their successors in office at all times hereafter, by the name aforesaid, shall be able and capable in law to have, purchase, take and receive, possess and enjoy lands, tenements and hereditaments, goods, chattels, and effects; and the same to grant, bargain and sell, alien, convey, demise and dispose

[44] The city records show that the charters granted to Sioux City and Washington did not become operative and it is doubtful if the charters passed by the legislature for Bloomfield and Salem ever went into effect.

[45] Dillon's *Municipal Corporations* (5th edition), Vol. I, p. 94.

of, to sue and be sued, to plead and be impleaded, in any court of justice whatever, and to make and use one common seal, and the same to alter and renew at pleasure.

In some instances the following provision was added:

And shall be competent to have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations incumbent upon and appertaining to a municipal corporation, and for the better ordering and governing said city, the exercise of the corporate powers of the same, hereby and herein granted, and the administration of its fiscal, prudential and municipal concerns with the conduct, direction and government thereof shall be vested in a mayor and board of aldermen.

According to John F. Dillon a corporation is an artificial body created by a law with special powers, immunities, and privileges. Thus it is clear that a corporation is a legal institution, a legal entity, a legal person having a special name and enjoying only such powers as the law provides.[46] Furthermore, it may be pointed out that municipal corporations are voluntary, and that they are created as instruments of local self-government rather than as administrative agents of the State.[47] Indeed, the "power of local government is the distinctive purpose and the distinguishing feature of a municipal corporation", even though these corporations are to a considerable extent employed in the administration of State law.[48]

THE STATUS OF SPECIAL CHARTER CITIES IN IOWA

As already pointed out the municipalities in Iowa operating under special charters were corporations — *public* as distinct from *private,* since all corporations created for the

[46] Patton's *Home Rule in Iowa* in the *Iowa Applied History Series,* Vol. II, p. 117.

[47] Dillon's *Municipal Corporations* (5th edition), Vol. I, pp. 58, 59.

[48] Dillon's *Municipal Corporations* (5th edition), Vol. I, p. 59.

purpose of aiding in the administration of the civil government of the State are public in their nature. Moreover these cities were municipal corporations, distinct from other public corporations like counties, townships, school districts, and road districts.[49]

Special charters, being enactments of the legislature, could by that body be changed, altered, or abolished at pleasure. Indeed the special charter cities were absolutely dependent upon the legislature. The fact of having a special charter did not put them beyond the pale of legislative control, notwithstanding the existence of a strong local feeling against legislative interference.

Although these charters were quite similar in their fundamental provisions, each was a special grant from the legislature and could be amended or repealed by the legislature when in its judgment the necessity for such action arose, or when such action was requested by the people of the municipality. The people were powerless to change their municipal government if the legislature failed to pass the desired charter amendments — although it appears that in three instances the city council had authority to alter the charter with the approval of the qualified voters.[50]

Special charters seemed to have been designed primarily for the purpose of "subordinate local administration" or local self-government. It was thought that the local areas could administer matters of local concern more satisfactorily than could the State government. And it was believed that the policies and laws of the State if administered by

[49] Patton's *Home Rule in Iowa* in the *Iowa Applied History Series*, Vol. II, pp. 117, 118.

[50] *Laws of Iowa*, 1854–1855, p. 129, 1856–1857, pp. 148, 165.

The city council in one charter was given power to accept or reject an amendment passed by the legislature.— *Laws of Iowa*, 1856 (Extra Session), p. 51.

the agencies of local government would be carried out in a manner more in harmony with the wishes of the people of a community.[51]

THE POWERS OF SPECIAL CHARTER CITIES

The powers of municipal corporations have been the subject of many judicial decisions. Indeed these decisions make up the great body of the law of municipal corporations which is applicable to special charter cities in Iowa.

In general it may be said that "*a municipal corporation possesses and can exercise the following powers, and no others:* First, those granted in *express words*; second, those *necessarily or fairly implied* in or *incident* to the powers expressly granted; third, those *essential* to the accomplishment of the declared objects and purposes of the corporation,— not simply convenient, but indispensable."[52] When doubt exists as to the possession of a particular power by a municipality the courts have always decided against the corporation, denying the existence of the power. Thus the powers of public as well as private corporations have been strictly and rigidly construed.[53]

The powers exercised by the special charter cities in Iowa may be divided into two general classes — those which relate to health and good government in which all the inhabitants have an equal interest and ought to have an equal voice, and those which involve the expenditure of money the burden of which must fall upon the property owners. Although it is inevitable that the expenses of carrying out both of these classes of governmental functions must be met by the property owners as taxpayers, still these questions

[51] Dillon's *Municipal Corporations* (5th edition), Vol. I, pp. 30, 31.

[52] Dillon's *Municipal Corporations* (5th edition), Vol. I, pp. 448, 449.

[53] For a list of cases treating upon this question see Dillon's *Municipal Corporations* (5th edition), Vol. I, p. 450, note 1, p. 453, note 2.

are of vital interest to all the inhabitants of the city. Thus every person is desirous of good sanitation, clean and well paved streets, public parks and other local improvements, and should have a voice in demanding and securing these public necessities. Under the special charters public improvements not wholly within the power of the city council were usually secured through petitions signed by the property owners. Especially was this true in the matter of street paving. But in those instances of public improvement which necessitated the borrowing of money or the issuance of bonds, all the voters regardless of property qualifications were allowed to vote and so determine the policy of the city.

SOME CONCLUSIONS RELATIVE TO SPECIAL CHARTER CITIES

The history of special municipal charters seems to show that this form of special legislation has lacked definite, constructive purpose. In fact there seems to have been no substantial reason for such legislation. A study of the special charters granted in Iowa reveals no particular advantages which could not have been secured under a general incorporation act. But the method of special charters, being based upon historical precedent was followed without question by the pioneer lawmakers; and so the era of special legislation continued down to 1857 when the new State Constitution was adopted.

III

ELECTIONS IN SPECIAL CHARTER CITIES

The elections of the special charter cities varied materially from those provided for by the general incorporation acts. Indeed it is probable that no two charters contained the same provisions relative to elections.

TIME OF HOLDING ELECTIONS

Regular elections for the purpose of choosing officers were as a rule held annually. Indeed, from this rule there seems to have been but one exception — the Bloomfield charter of 1855 which provided for biennial elections.[54] Monday was evidently a favorite time for holding elections, since in nearly five-sixths of the charters that day was designated. Usually elections were held upon the first Monday of the month, although Saturday was chosen in a few instances. While elections were held in nearly every month, June seems to have been generally favored. Special elections could be scheduled at any time by complying with the provisions of the charter relative to the posting of election notices.

MANNER OF CALLING ELECTIONS

The charters usually provided the manner of calling elections, whether regular or special. Upon the council, the recorder, or the mayor devolved the task of posting notices. During the early part of the period of special charter legislation in Iowa it was usually the duty of the council to give notice of elections; but after 1848 such duties were performed by the mayor, although in a few charters this work devolved upon the recorder.

Most of the charters provided that the notices of elections should "be posted in three of the most public places", or published in a newspaper printed in the town, for at least five days previous to the time set for the election. The period required for the posting or publishing of notices was not uniform — in some instances being extended to ten days or two weeks. Notices of special elections had to be posted at least thirty days previous to the time of voting.

[54] *Laws of Iowa*, 1854–1855, p. 9.

The manner of calling elections was not always set forth in the charter, but the council was given authority to determine the matter.

MANNER OF CONDUCTING ELECTIONS

The charters usually provided the manner in which elections were to be held; but some charters in the absence of detailed regulations provided that elections should be conducted "similar to those held in townships". Election officials were named by the council, two methods being employed in their selection. During the earlier years two councilmen were chosen as judges and the recorder was made the clerk; but later, when the cities were usually divided into wards, the election officials for each precinct were chosen by the council from without their own number. In a few instances, however, the clerks were the appointees of the judges. Both the judges and the clerks of elections were required by most of the charters to be legal voters in the city.

As a rule the polls were required to be open from the hours of nine or ten in the forenoon until five in the afternoon, or from the hours of eight or ten until four; but in no charter was provision made for opening the polls before eight and in only one instance were they to be open until six in the afternoon.[55] In some cities the polls were only open from twelve (or one or two) until four or five o'clock.

REGULAR AND SPECIAL ELECTIONS

Both regular and special elections were conducted in the same manner, the returns being made to the city council which was authorized to decide contested elections and the qualifications and election of their own members. Special

[55] *Laws of Iowa*, 1856–1857, p. 36.

elections were to be held for a variety of purposes, among which the following may be noted: giving consent to an increase in the tax levy, authorizing a levy of special taxes, giving the council power to issue bonds or borrow money, granting compensation to the council, accepting or rejecting amendments, and for repealing the charter. For a decision upon such questions a majority vote was usually necessary.

QUALIFICATIONS OF VOTERS

The qualifications of voters varied widely, with citizenship as the only test required by all of the special charters. In some instances, however, citizenship was not particularly mentioned; but this qualification was in effect prescribed by the requirement that one must be an elector in the county or be a voter for members of the legislature. A period of residence within the city was usually required — the time varying from ten days in some charters to six months in others. Moreover, more than one-half of the charters prescribed that "free, white, male citizens twenty-one years old", having the necessary residence qualifications, should enjoy the right to vote at all municipal elections. A property qualification was required by one charter for those voting on the question of levying taxes or borrowing money.[56]

POWERS OF ELECTORS

The powers of the electors in the special charter cities were for the most part confined to the election of officers, granting or refusing compensation to the councilmen, and accepting the charter. In deciding questions other than the election of officers a majority vote was usually necessary, although in at least one instance "a majority of three-fifths of the qualified electors present" was required.[57] A

[56] *Laws of Iowa*, 1856–1857, p. 129.

[57] *Laws of the Territory of Iowa*, 1840–1841, p. 88.

few charters permitted the electors to vote on the acceptance of amendments, although the action of the legislature was usually considered as final.[58] Amendments passed by the council were in some instances allowed to be referred to the electors for approval before becoming operative.[59] The power of petitioning the legislature for amendments was also permitted in two charters;[60] and in a few cases the electors were allowed to vote on the repeal of their charter, a majority being necessary to a decision.[61]

The regulation of streets and nuisances, the admission of out-lying lots, and the regulation of business not otherwise provided for were questions which the electors were authorized in some instances to decide. During the early years the electors were empowered to levy taxes not to exceed the amount specified in the charter.[62] And during the later years of the same period the approval of the qualified voters was necessary on matters of public policy, such as borrowing money,[63] subscribing to the capital stock of transportation companies,[64] and the disposal of city property.

[58] *Laws of Iowa*, 1846–1847, p. 91, 1852–1853, p. 139, 1856–1857, pp. 148, 165, 398.

[59] *Laws of Iowa*, 1854–1855, p. 129, 1856–1857, p. 336.

[60] *Laws of the Territory of Iowa*, 1841–1842, pp. 16, 110.

[61] *Laws of Iowa*, 1846–1847, pp. 88, 149, 1848 (Extra Session), p. 26, 1850–1851, p. 108.

[62] *Laws of the Territory of Wisconsin*, 1836–1838, p. 476; *Laws of the Territory of Iowa*, 1838–1839, p. 250, 1839–1840, p. 73, 1840–1841, pp. 35, 98, 1841–1842, pp. 15, 120–121.

In some charters the council had the authority to levy the tax, but the action had to be approved by the electors.— *Laws of Iowa*, 1850–1851, pp. 156, 197, 1852–1853, pp. 91, 132, 1854–1855, pp. 10, 139, 1856–1857, pp. 158, 163, 284.

[63] *Laws of the Territory of Wisconsin*, 1836–1838, p. 476; *Laws of the Territory of Iowa*, 1838–1839, p. 250; *Laws of Iowa*, 1850–1851, pp. 92, 156, 166–167, 213, 1852–1853, pp. 107, 115, 137, 1854–1855, p. 148, 1856 (Extra Session), pp. 26, 71, 1856–1857, pp. 58, 158, 161, 253, 289.

[64] *Laws of Iowa*, 1856–1857, pp. 399, 402.

IV

OFFICERS IN SPECIAL CHARTER CITIES

The charters presented no clear distinction between officers which should be elected by the qualified voters and those which ought to be appointed by council or mayor.

ELECTIVE OFFICERS

In the special charter cities the elective principle was extended to nearly all of the important officers for which any provision was made — the mayor and councilmen under every charter being elected by the qualified voters of the city. During the period from 1838 to 1858 the tendency seems to have been to elect not only the mayor and councilmen, but also the recorder, the marshal, the treasurer, and the assessor. In some instances such an unimportant officer as the wharfmaster was chosen by the people.[65] Discretion had to be exercised in some instances because a few charters provided that the council *could* appoint subordinate officers or *could* provide for their election by the people.

TERM OF ELECTIVE OFFICERS

The term of elective officers was usually one year "and until the successors are elected and qualified". Elections were held anually, except in one instance;[66] and all elective officers except councilmen held their office for one year.[67] A few of the charters provided, however, that the councilmen should serve for two years, according to which plan one was elected in each ward at every annual election.[68]

[65] *Laws of Iowa*, 1850–1851, p. 60, 1854–1855, p. 143, 1856–1857, pp. 134, 361.

[66] *Laws of Iowa*, 1854–1855, p. 9.

[67] For exceptions to this statement see *Laws of Iowa*, 1854–1855, p. 125, 1856 (Extra Session), pp. 20, 32, 1856–1857, pp. 100, 355.

[68] *Laws of Iowa*, 1850–1851, pp. 60, 85, 111, 1852–1853, p. 90, 1854–1855, pp. 9, 143, 1856 (Extra Session), pp. 31, 42, 1856–1857, pp. 113, 134, 177, 361.

Some charters provided for the removal of officers by a vote of the council — a two-thirds vote being necessary for such removal.[69]

COMPENSATION OF ELECTIVE OFFICERS

As pointed out in another connection the councilmen as a rule received no compensation unless allowed by the electors. But for his judicial duties the mayor was usually paid such fees as were allowed justices of the peace for performing similar services; while the recorder's compensation was generally fixed by the council in such sum as was "deemed reasonable". The marshal, assessor, treasurer, and other elective officers were compensated by the council; but most of the charters limited such fees or compensation to the amount paid to township or county officers performing a like service.

QUALIFICATIONS OF ELECTIVE OFFICERS

No definite plan seems to have been followed in prescribing the qualifications of elective officers. Residence in the city was a usual requirement, but the period varied from three months in some charters to three years in others. The usual period of residence was one year. Furthermore, all candidates for elective offices had to be "legal and qualified" voters. In some charters both the residence and electoral qualifications were required, and in many charters elective officers had to be "citizens" of the city.[70]

VACANCIES IN ELECTIVE OFFICES

Vacancies in the elective offices arising by resignation, removal from the city, death, or failure to qualify within

[69] *Laws of Iowa*, 1846–1847, p. 177, 1850–1851, p. 112, 1856 (Extra Session), p. 32, 1856–1857, p. 358.

[70] *Laws of Iowa*, 1850–1851, p. 60, 1852–1853, p. 51, 1854–1855, pp. 136, 143, 1856–1857, pp. 133, 360.

ten days from time of election were in most cases filled by the council. But in some charters provision was made for a special election to fill vacancies; and in one instance vacancies, except those occurring in the board of aldermen, were filled by the mayor.[71] The council was, however, the usual agency for filling vacancies.

BOND OF ELECTIVE OFFICERS

Elective officers during the early part of the period under review were usually not required to give bond. In no instance were councilmen required to give any security for the faithful performance of their duty, and in only a few cases was a bond required of the mayor. But during the latter years of the period, when the marshal, treasurer, assessor, and recorder were elected by the people, a bond could be required in such sum as the council deemed expedient. In any event the council was given the exclusive power of determining the sufficiency or validity of a bond.[72]

OATH OF ELECTIVE OFFICERS

An oath of office was generally required of every officer whether elective or appointive. The oath was usually prescribed in the charter and provision was usually made for its administration by a particular officer such as a justice of the peace, the mayor, or the recorder. Before entering upon the duties of the office, and generally within ten days from time of election, the candidate was required to take an oath to support the Constitution and laws of the United States, the Constitution and laws of the State (or Territory

[71] *Laws of Iowa,* 1846–1847, p. 97.

The council was given power in one instance to fill vacancies in its own body.— *Laws of Iowa,* 1856–1857, p. 436.

[72] In one charter the bond was approved by the mayor.— *Laws of Iowa,* 1846–1847, p. 99. The bond of the Clerk of the Court was fixed in one charter at $5000.00.— *Laws of Iowa,* 1856–1857, p. 355.

as the case might be), and to faithfully perform the duties required of him by the charter or by law.

APPOINTIVE OFFICERS

Most of the special charters granted before 1850 provided that the treasurer, assessor, marshal, and sometimes the recorder, should be appointed by the city council. In some instances the council was authorized to "provide for" the election of officers, "prescribe their duties, term, and remove them at pleasure". Thus it appears that the charter intended that such officers should be appointed by the council rather than elected by the people. Many charters, however, provided that subordinate officers (other than the mayor, recorder, and councilmen) could be chosen by the council or be elected by the qualified voters — the method to be determined by the council.

In a few of the larger cities the charters authorized the appointment of a city surveyor, a city supervisor, a city engineer, and a solicitor.[73] Furthermore commissioners for the purpose of assessing damages resulting from changing streets were usually provided for. Their manner of appointment was not uniform — in some instances being chosen by the council and in others by the marshal. The amendment granted to the city of Keokuk in 1856 gave the council power to appoint a school board, commissioners for assessing damages, fire inspectors, fire wardens, and engineers.[74]

During the latter part of the period the charters usually provided for the appointment by the council of health officers, a clerk of the market, street commissioners, election

[73] *Laws of the Territory of Wisconsin*, 1836–1838, p. 474; *Laws of Iowa*, 1850–1851, pp. 64, 88, 1852–1853, p. 103, 1854–1855, pp. 101, 147, 1856 (Extra Session), pp. 35, 47, 67, 1856–1857, pp. 37, 46, 55, 138, 223, 249, 284, 317.

[74] *Laws of Iowa*, 1856 (Extra Session), pp. 47, 48.

officials, and others.[75] Although the power of appointment was usually vested in the council, in a few instances such authority was exercised by the marshal or the mayor. As a matter of fact the Farmington charter of 1847 authorized the mayor to "nominate, and with the concurrence of the Board of Aldermen, appoint all officers within the city, which are not ordered by law or ordinance to be otherwise appointed."[76]

TERM OF APPOINTIVE OFFICERS

The term of appointive officers was as a rule one year. Although the council was authorized to prescribe the term for subordinate officers, the charters in most instances limited their term to "one year and until the successors were elected and qualified." While the term was fixed by ordinance in about twenty charters, the tenure of officers was usually dependent upon "the pleasure" of the council, and removals for cause could be made at any time. Vacancies were usually filled by the council.[77]

COMPENSATION OF APPOINTIVE OFFICERS

The usual method of compensating subordinate officers was the fee system — the amount in most instances being determined by the council. A limitation was generally placed upon this power of the council, which provided that the compensation should not exceed the amount paid by the township or the county for similar services. Some charters provided that the marshal should receive the same fees as

[75] The first charter providing for the appointment of such officers was the one granted to Muscatine in 1851.— *Laws of Iowa*, 1850–1851, p. 64.

[76] *Laws of Iowa*, 1846–1847, p. 97.

[77] The only exception to this statement is found in the Farmington charter of 1847.— *Laws of Iowa*, 1846–1847, p. 97.

constables. The road supervisor was in one instance to be compensated as provided by State law.[78]

QUALIFICATIONS OF APPOINTIVE OFFICERS

The qualifications of appointive officers were such as the council deemed necessary — most of the charters containing the provision that subordinate officers should "be subject to such qualifications as the council may prescribe."

BOND OF APPOINTIVE OFFICERS

The important subordinate officers — namely, the treasurer, marshal, and assessors — were invariably required to give security for the faithful performance of their duties. But as indicated above, these officers were appointed only during the early years of the period. Other appointive officers might at the discretion of the council be required to give bond. The amount of the bond was not fixed by the charter, but should be "in such sum as was deemed sufficient" by the council.

OATH OF APPOINTIVE OFFICERS

Appointive officers might be required to take an oath "to faithfully perform the duties of their office"; but in some instances all officers of the corporation were compelled to take the same oath. Furthermore a few charters provided that "fines and penalties" might be enacted by the council to enforce the oath which was administered by the justice of the peace, the mayor, or the recorder. It must be remembered, however, that the oath as a qualification for office was usually at the discretion of the council.

[78] *Laws of Iowa*, 1850–1851, p. 108.

V

ORGANIZATION OF THE COUNCIL IN SPECIAL CHARTER CITIES

The city council was by far the most important organ of municipal government under the charters — a principle which was probably carried over from the general incorporation acts. The organization of the council is vital, since its exact character often forecasts the kind of work it will perform.

COMPOSITION OF THE COUNCIL

The council with one exception was composed of one branch or house consisting of from three to fourteen aldermen.[79] Between the years 1838 and 1847 the "aldermen" or "trustees" varied from three to five in number — although Burlington's charter of 1838 provided for eight, and Dubuque's charter of 1840 allowed six councilmen which was increased to thirteen in 1846.[80] But throughout the latter part of the period the number of councilmen tended to increase, owing to the ward system of representation. As a matter of fact the council had the power to increase the number of wards and in that way controlled the number of aldermen.

In addition to the aldermen the council consisted of a mayor or president, and the recorder or clerk.[81] The mayor was always a member of the council, and the recorder was so considered in most of the charters granted before 1847. Indeed in three charters granted after that year the re-

[79] The Des Moines charter of 1857 provided for fourteen councilmen — the largest number of any special charter city.— *Laws of Iowa*, 1856–1857, p. 283.

[80] *Laws of the Territory of Wisconsin*, 1836–1838, p. 471; *Laws of the Territory of Iowa*, 1839–1840, p. 158; *Laws of Iowa*, 1845–1846, p. 115.

[81] *Laws of the Territory of Wisconsin*, 1836–1838, pp. 481, 482.

corder was a member of the council, and as before his presence was necessary to a quorum.[82]

ELECTION OF MEMBERS

Councilmen were generally elected annually by wards — since most cities were divided into wards by their charter or the power to establish wards was vested in the council. But in cities not having the ward system councilmen were elected at large. Vacancies in the council were generally filled by a special election called for that purpose. In one instance, however, if the vacancy occurred within thirty days of the time of the next regular election, no special election would be called.[83]

TERM OF MEMBERS

But little variation existed in the provisions of the charters in regard to the term for which members of the council were chosen. The charters, except in one instance, provided for annual elections; and the term of members was one year in about half of the cities.[84] In those municipalities having the ward system, however, the term of councilmen was generally two years — one councilman being elected in each ward at the annual meeting.

QUALIFICATIONS OF MEMBERS

There was little uniformity in the charters with regard to the qualifications of members of the council. A period of residence was in most instances required — residence not only in the State but also in the city and the ward from

[82] *Laws of Iowa*, 1848–1849, p. 116, 1850–1851, p. 102, 1856–1857, p. 153.

[83] *Laws of Iowa*, 1856 (Extra Session), p. 43.

[84] The term was one year "and until the successors were elected and qualified". The exception referred to was the Bloomfield charter of 1855.— *Laws of Iowa*, 1854–1855, p. 9.

which a member was elected. Furthermore, citizenship was in many charters a specified qualification. Members were often required to be citizens of the United States, residents of the State for six months, and of the city for three months next preceding the municipal election. Of the many other qualifications of members of the council, the following may be noted: must have "citizenship in the city"; must be a legal voter; must be twenty-one years old and a citizen of the State; and must have the qualifications of electors for members of the legislature.

Moreover, in most of the charters granted after 1850 members of the council were ineligible to any office within the gift of the council during the term for which they were elected; and they were prohibited from being "interested directly or indirectly, in the profit of any contract or job for work" done for the city.[85]

COMPENSATION OF MEMBERS

Compensation for members of the council was usually not fixed by the charters, although as a rule it was provided that the recorder should be paid such fees as were deemed necessary by the council "not to exceed the amount paid township officers for similar service". Moreover, for his judicial duties the mayor was given the same compensation as was accorded justices of the peace. But aldermen in more than one-half of the cities were not paid, unless compensation was allowed by the legal voters at a special election called for that purpose.

From the general rule as above stated there were, however several exceptions. The Burlington charter of 1838

[85] *Laws of the Territory of Iowa*, 1845, p. 77; *Laws of Iowa*, 1845–1846, p. 117, 1846–1847, p. 107, 1848–1849, p. 22, 1850–1851, pp. 65, 87–88, 147, 209, 1852–1853, pp. 51–52, 102, 111, 1854–1855, pp. 24–25, 100–101, 149, 1856 (Extra Session), pp. 27, 34–35, 56, 66, 1856–1857, pp. 36, 45, 54, 139, 154, 183, 211–212, 222, 248, 286, 316, 334, 346, 369, 421.

provided that the council should receive no compensation;[86] and this same provision was contained in the Fort Madison charter of 1842, which was amended in the following year allowing one dollar for each meeting after January 1, 1844 — an amendment which was repealed in 1844.[87] Fort Madison again affirmed the "no compensation" plan in 1848, but in 1853 provided that one dollar per meeting might be paid.[88] Burlington's charter was amended in 1841 authorizing "the mayor and aldermen . . . . to receive pay not exceeding one dollar and fifty cents each, per day, for each regular session. . . . there shall not be more than one regular session in each month . . . . [and] no regular session shall continue longer than two days."[89] This was changed in 1851 to one dollar per day, but was not to exceed fifty dollars per year; while the maximum for councilmen in Dubuque was fifty-two dollars per year.[90] A compensation of thirty dollars a year was allowed by the Iowa City charter of 1855 and the Cedar Rapids charter of 1856.[91] The councilmen in the city of Davenport were authorized to fix their own compensation by a two-thirds vote of all the members elected.[92] Both the aldermen and the councilmen of Keokuk's bicameral council were to receive the same compensation.[93]

BOND AND OATH OF MEMBERS

Members of the council — except the recorder in some instances — were not required to give bond; but in a few

[86] *Laws of the Territory of Wisconsin*, 1836–1838, p. 474.

[87] *Laws of the Territory of Iowa*, 1842–1843, p. 38, 1843–1844, p. 152.

[88] *Laws of Iowa*, 1848 (Extra Session), p. 70, 1852–1853, p. 57.

[89] *Laws of the Territory of Iowa*, 1840–1841, p. 86.

[90] *Laws of Iowa*, 1850–1851, p. 82, 1852–1853, p. 92.

[91] *Laws of Iowa*, 1854–1855, p. 179, 1856 (Extra Session), p. 40.

[92] *Laws of Iowa*, 1856–1857, p. 99.

[93] *Laws of Iowa*, 1856–1857, p. 302.

charters the council was authorized to fix such fines and penalties as seemed necessary for compelling the attendance of absent members. Without exception members of the council were required to take an oath before entering upon the performance of their duties. In some instances they were required to take an oath to support the Constitution and laws of the United States, the Constitution and laws of the State (or Territory as the case might be), and to faithfully perform the duties of their office. The exact wording of the oath was not always given, nor was it always uniform. The oath was usually administered by a justice of the peace, although any one so qualified was permitted to administer oaths.

REMOVAL OF MEMBERS

Removal of councilmen was permitted by a few charters if the proposition was supported by a two-thirds vote of the whole number elected;[94] but removal twice for the same offence was prohibited in some instances. The revised charter enacted for Dubuque in 1857 authorized the council to remove any elective officer by a two-thirds vote of all the members of the council; but any appointive officer was subject to removal by a majority vote.[95] In no charter were the people given authority to remove officers.

MEETINGS OF THE COUNCIL

The council was usually authorized to prescribe by ordinance the time of holding its regular meetings; and yet in several charters the time was specifically designated. The charters granted to Mount Pleasant in 1851 and 1855 provided that the "regular meetings . . . . shall be

[94] *Laws of Iowa*, 1846–1847, p. 177, 1850–1851, p. 112, 1856 (Extra Session), p. 32, 1856–1857, p. 358.

[95] *Laws of Iowa*, 1856–1857, p. 358.

held on the first Monday in each month (except the April meeting which shall be held on the second Monday in April) and the board may provide by ordinance for calling special meetings."[96] Another charter contained the provisions that meetings must be held "at least once each month, on a time to be fixed by ordinance".[97] Salem's charter of 1855 provided that "the regular meetings . . . . shall be held on the first Saturday in each month",[98] while Glenwood's charter of 1857 authorized the council to "hold its meetings as it sees fit, having fixed, stated times".[99] Such meetings were usually called as provided by ordinance.

The majority of the charters also authorized special meetings of the council to be called in such manner as might be prescribed by ordinance. In some instances, however, the mayor was permitted to call special meetings and in others a majority of the council could call such meetings; but in either case notice had to be given to the individual members, or the call must be posted in some public place for a specified period previous to the time set for the meeting.

Records of all meetings of the council were required to be kept by the clerk, whose books were at "all reasonable hours to be open to the inspection of the public" without cost. Furthermore the meetings of the council were public so that the people might at any time attend.

A quorum generally consisted of a majority of the members, the mayor being included in every instance. Moreover, the recorder as well as the mayor was in many cases required for a quorum. Some charters required a specific number for a quorum — as in the Bloomington (now Mus-

[96] *Laws of Iowa*, 1850–1851, p. 196, 1854–1855, p. 137.

[97] *Laws of Iowa*, 1854–1855, p. 127.

[98] *Laws of Iowa*, 1854–1855, p. 163.

[99] *Laws of Iowa*, 1856–1857, p. 37.

catine) charter of 1839 which provided that "any three" of the council "shall be a board for the transaction of business".[100]

The mayor, or president as he was sometimes called, was the presiding officer of the council. In many instances, especially during the latter part of the period, the council was authorized to choose a president *pro tem* from its own number, whose duty it was to perform the functions of the mayor in his absence. A few charters allowed the oldest councilman to preside in the absence of the mayor or president *pro tem.*

VI

POWERS OF THE COUNCIL IN SPECIAL CHARTER CITIES

The most important department of municipal government under the special charters was that of the council. Indeed, this was also true under the general incorporation acts passed during the period. In the early charters, however, the powers granted to the council were very meager; but during the latter part of the period the legislature seems to have enlarged the powers and functions of the council. As a matter of fact such an enlargement of power was necessary in order that the growing municipalities might not be unduly hampered. During the early years of the period about the only reason for incorporation was to facilitate the collection of taxes and the improvement of police regulations. Money was needed for the improvement of the rivers and wharves; and the preservation of order in the river towns was not easily accomplished.

POWER OVER ELECTIONS

The powers of the council over elections varied. In the charters granted during early years of the period the quali-

[100] *Laws of the Territory of Iowa,* 1838–1839, p. 248.

fied electors who assembled for the first election were authorized to choose *viva voce* two judges and a clerk.[101] But at all subsequent elections the trustees or any two of them were required to act as judges, and the recorder was to be the clerk. With the exception of Dubuque's charter of 1840,[102] the trustees and the recorder conducted municipal elections until 1841. Davenport's charter, enacted in the next year, provided that the council should appoint all election officials.[103] From this time until 1858 these two methods of securing election officials were of nearly equal importance.[104]

Until 1849 another duty of the council in regard to elections was the posting of election notices. The charters usually required such notices to be posted for a period of ten days previous to the election. But following the Keokuk charter of 1849 this duty was taken from the council and in the remainder of the charters the mayor or the recorder gave notice.[105]

The first charter granted to an Iowa municipality provided that the council should locate the polling places.[106] Indeed this provision was incorporated in about twenty of the special charters, and as a prescribed duty of the council it continued throughout the period of special legislation.

Vacancies in the elective and appointive offices were generally filled by the council; and yet in about one-fourth of the charters vacancies were filled by special elections.

[101] See the early charters referred to in the Appendix, p. 267.

[102] *Laws of the Territory of Iowa,* 1839–1840, p. 162.

[103] *Laws of the Territory of Iowa,* 1841–1842, p. 42.

[104] Judges of elections were, under one charter, to be appointed by the council, and the judges in turn were to choose the clerk.— *Laws of Iowa,* 1848 (Extra Session), p. 65.

[105] *Laws of Iowa,* 1848–1849, p. 20.

[106] *Laws of the Territory of Wisconsin,* 1836–1838, p. 474.

Furthermore, it appears that in most instances the council was authorized to appoint subordinate officers not otherwise provided for, or a special election could be called for the purpose of choosing them. Two charters permitted the council to decide contested elections; and in a majority of the cities operating under special charter the council was authorized to be the judge of the election and qualifications of its own members.[107]

POWER OVER WARDS

The council was authorized to "change, unite, or divide" the wards, or any of them, whenever they deemed it necessary for the best interests of the city. But in some of the charters no provision was made for wards. The charter granted to Charles City in 1857 allowed the council to divide the city into wards when the population reached two thousand.[108]

When a city or town was divided into wards by the provisions of the charter, the councilmen were apportioned among the precincts, although in two cases the council was given power to re-apportion the representatives whenever the interests of the city required it.[109] In a few instances the council was given power to extend the corporate limits of the municipality.[110]

Special provision was sometimes made for the expenditure of road taxes in each ward in proportion to the amount levied in those wards.[111] The Des Moines charter of 1857 authorized the council to call a special election in any ward

[107] *Laws of Iowa,* 1846–1847, p. 96, 1850–1851, p. 112.

[108] *Laws of Iowa,* 1856–1857, p. 326.

[109] *Laws of the Territory of Iowa,* 1839–1840, p. 162; *Laws of Iowa,* 1850–1851, p. 94.

[110] *Laws of Iowa,* 1854–1855, p. 171, 1856–1857, p. 353.

[111] *Laws of Iowa,* 1856–1857, pp. 149, 293.

on a petition of twenty-five property holders residing therein for the purpose of deciding the question of a tax for improvements in a particular ward.[112] A special tax on a ward was also provided for by the amendment to the Davenport charter in 1855.[113] Neither of the general incorporation acts of this period provided for wards, nor was the council given any power to create them under such legislation.

POWER OVER CITY OFFICERS

One of the most important functions of the council under special charters was the control which it exercised over city officers. While in no case was the council given specific authority to supervise the official conduct of subordinates, yet in many indirect ways this in effect was accomplished. For example, a section frequently found in the charters gave the council power "to appoint in such manner as it determines and during pleasure, one or more street commissioners, a clerk of the market, city surveyor, health officers and such other officers as it deems advisable, and may prescribe their duties, powers and qualifications".[114]

Far more important than the authority to supervise the conduct of officials was the council's power of appointment and removal. While it is a recognized principle of government that the power to appoint implies the power to remove, in many charters specific provision was made for the removal by the council not only of appointive but also of elective officers. The power of removal seems, however, to have been specially directed against the officers whom the council was authorized to appoint — their term being usually dependent upon the "pleasure of the council", but not to exceed one year.

[112] *Laws of Iowa*, 1856–1857, p. 284.

[113] *Laws of Iowa*, 1854–1855, pp. 85, 86.

[114] See *Laws of Iowa*, 1850–1851, p. 64.

The powers and duties of officers were generally prescribed by the council — unless specifically enumerated in the charter. But in no case could the council demand the performance of duties which were contrary to the charter or laws of the State. Many charters as a matter of fact authorized the council to "fix fines and penalties" in order to compel the faithful performance of duty. In the charter granted to Maquoketa in 1857 it was provided that "any officer willfully neglecting or refusing to perform any duties herein required of him, shall be punished by fine not exceeding one hundred dollars, or imprisonment in the county or city jail, not exceeding six months, or by both such fine and imprisonment, and shall be subject to an action for damages in behalf of any person or corporation, aggrieved by such neglect or refusal; and any conviction or judgment under this section, shall work a forfeiture of any office held by the person so convicted, and shall forever disqualify him from holding office under this charter."[115] In the amended charter granted to Dubuque in 1857 further provisions of this character were set forth giving the council power to provide the manner of preferring charges against a city official and the council was authorized to remove any officer except the city judge.[116]

During the later years of the period the council was given power to expel a member of its own body by a two-thirds vote of the whole number elected. In one charter at least this power was limited and could not be exercised against a member twice for the same offense.[117] The precedent for the council's power to expel a member seems to have been the general incorporation act of 1847.[118]

[115] *Laws of Iowa*, 1856–1857, p. 187.

[116] *Laws of Iowa*, 1856–1857, p. 358.

[117] *Laws of Iowa*, 1850–1851, p. 112, 1856 (Extra Session), p. 32, 1856–1857, p. 358.

[118] *Laws of Iowa*, 1846–1847, p. 177.

Subordinate officers were also under the control of the council in the matter of compensation. The council under most of the charters was given power to fix the fees of officers not otherwise provided for, although such fees were limited by the amount paid by townships for similar services. This limitation, however, would apply to only a very few city officers. Except the recorder and the mayor the members of the council usually served without compensation although in at least one instance the council by a two-thirds vote was authorized to determine the compensation of councilmen.[119] This was an exception to the general rule, for in most cases the electors had absolute control of the compensation of the council.

Vacancies in any office, except that of councilman, were generally filled by the council, although in some instances special elections were provided for such purposes. The council also controlled the officers of the city by requiring at their discretion a bond for the faithful performance of their duty. The amount of the bond was with scarcely an exception determined by the council; and city officers, except councilmen, were in most instances liable to a bond.

POWER TO LEVY TAXES

One of the primary reasons for the incorporation of municipalities was to facilitate the levying and collecting of taxes. Indeed, the importance of the taxing power as a function of the council under special charters can best be shown by the fact that every charter and more than one-half of the amendments thereto conferred this authority in specific terms. Every charter contained provisions for levying and collecting taxes of a general nature, together with special taxes of various kinds.

General taxes were usually limited by the charters, as

[119] *Laws of Iowa*, 1856–1857, p. 99.

may be seen by the following provisions selected at random: "The mayor and aldermen shall have power to assess and levy an annual tax, on all personal property in said town, made subject to taxation by the laws of Iowa for county purposes, not exceeding in any one year, one half per centum on both real and personal estate and property".[120] In this instance not only was the amount of the tax limited, but the property subject to taxation was also determined by State law. A similar provision was contained in the Mount Pleasant charter of 1851 which provided that the "mayor and councilmen shall have power to levy by ordinance a tax on real and personal estate within the limits of said corporation, not exceeding one-half of one per centum in any one year".[121]

Although the wording of the charters granting to the council the power of taxation was in most instances very similar, the rate varied considerably. The majority of the charters provided that the rate should not exceed one-half per centum on the assessed valuation of the property subject to taxation; and the tax was usually on a percentage basis. The Burlington charter of 1838, however, provided that an ad valorem tax should be levied. In this case the tax was limited to twenty-five cents per one hundred dollars worth of property, unless increased by a petition of a majority of the property holders.[122] The charter granted to Fort Madison upon the same day provided that the usual "one-half per centum" tax should be levied.[123] Dubuque's charter of 1840 limited the rate to one-fourth per cent; while Bloomington's charter of 1849 allowed two per cent.[124]

[120] *Laws of Iowa*, 1848 (Extra Session), p. 68.

[121] *Laws of Iowa*, 1850–1851, p. 197.

[122] *Laws of the Territory of Wisconsin*, 1836–1838, p. 475.

[123] *Laws of the Territory of Wisconsin*, 1836–1838, p. 483.

[124] *Laws of the Territory of Iowa*, 1839–1840, p. 160; *Laws of Iowa*, 1848–1849, p. 68.

In one instance the charter fixed a lump sum beyond which the council could not go unless a majority of the electors in annual meeting favored it. Furthermore, in a few cases it appears that the rate was limited to one and one-half cents on the dollar, in others from three to ten mills, and in others from twelve and one-half to twenty-five cents per one hundred dollars worth of property.[125] From this it would seem that local needs must have played an important part in determining the rate of taxation in a particular municipality. It is possible that the extravagance of the council became burdensome to the people and that attempts were made to check unnecessary expenditures.[126] The principle of having the electors sanction any increase in the tax rate as provided by the charter was followed in nearly every charter — although the method was usually by special election and not by petition as above mentioned. In a few cases, however, the tax levy had to be submitted to the voters for approval, even though the rate was equal to or less than the limitation provided in the charter.[127]

Many charters authorized the council to collect all municipal taxes; but in several instances the road taxes and school funds were paid to the proper city authorities by county officers. A section from the Fort Madison charter of 1838 — which seems to have been very closely followed in the other charters — will show the power of the council over the collection of taxes. It reads as follows: "It shall be the duty of the president and trustees to make out a duplicate of taxes, charging each individual therein an

[125] *Laws of the Territory of Iowa*, 1843–1844, p. 152; *Laws of Iowa*, 1846–1847, pp. 91, 113, 1854–1855, p. 170, 1856 (Extra Session), p. 24, 1856–1857, p. 330.

[126] *Laws of the Territory of Wisconsin*, 1836–1838, p. 485; *Laws of the Territory of Iowa*, 1841–1842, p. 78, 1843–1844, p. 152; *Laws of Iowa*, 1854–1855, p. 170.

[127] For an example of such a provision see *Laws of Iowa*, 1856–1857, p. 146.

amount or tax in proportion to the real and personal estate of such individual, within said town, which duplicate shall be signed by the president and recorder, and delivered to the marshal, or such other person as shall be appointed collector, whose duty it shall be to collect the same within such time and such manner as the ordinance shall direct."[128] The collector was generally appointed by and remained under the control of the council.

A number of the charters failed to make any provision for special taxes — which probably accounts for the number of amendments dealing exclusively with this subject. Such amendments were necessary owing to the recognized principle that "without a specific grant of power a city is helpless."

The purposes for which special taxes might be levied were as a rule expressly mentioned in the charters or in the amendments. The majority of the special taxes mentioned were for the purpose of grading, paving, altering, and improving the streets, and for other public works. The people affected by the proposed improvement usually gave their approval or disapproval at a special election or by petition; and if the sentiment of the people was unfavorable to the proposition, the project failed. In some instances, however, the cost of the improvement was met in part by the property owners affected and the remainder was paid by the corporation. Sometimes the whole expense was met by a special tax on the property benefited by the improvement.

From these general rules there were, however, many exceptions. In one case a special tax was authorized for the purpose of improving the streets, to be levied upon "the lots thus increased in value, not exceeding twelve per cent. on the first assessment, provided such special tax shall not

[128] *Laws of the Territory of Wisconsin*, 1836–1838, p. 484.

be more than one half of cost of such improvement; the other half or more, as the case may be, to be paid by the corporation."[129] Another provision directed that the tax should be assessed on "all lots" situated along the street to be improved, but such improvement must be petitioned for by the owners of two-thirds of the lots.[130] In 1851 the city council of Dubuque was given authority to levy a special tax not to exceed one per cent for the improvement of the harbor, although such levy was limited to two years.[131] The authorities of Keosauqua in the same year were permitted to levy a special assessment of not more than two and one-half per cent for the purpose of erecting a bridge across the Des Moines River, provided that three-fourths of the voters favored the proposition.[132]

The approval of a special tax by the people was in some instances unnecessary, since the council was given complete power to levy and collect special assessments without the consent of the voters or property owners.[133] In at least one charter the council was authorized to levy a special tax and to fix the amount; but the improvement for which the levy was made had to be approved by the electors.[134]

After 1850 the council was given power in several instances to levy taxes for the support and maintenance of public schools. The first provision of this kind was contained in the charter granted to the city of Muscatine in 1851, the ninth section of which gives the council power to

[129] *Laws of the Territory of Iowa,* 1841–1842, p. 121.

[130] *Laws of the Territory of Iowa,* 1843–1844, p. 150.

[131] *Laws of Iowa,* 1850–1851, p. 142.

[132] *Laws of Iowa,* 1850–1851, p. 156.

[133] *Laws of Iowa,* 1854–1855, p. 85, 1856 (Extra Session), pp. 45, 47, 1856–1857, pp. 72, 240–241, 398.

[134] This provision is found in an amendment enacted for Fort Madison in 1853.— *Laws of Iowa,* 1852–1853, pp. 57, 58.

"provide for the establishment and support of schools in the city, when there has been a legal vote of the citizens in favor thereof, and to provide for the government of the same."[135] Similar provisions were contained in the charters enacted for Iowa City, Lyons, and Clinton.[136]

A number of the charters contained detailed provisions exempting certain improvements from taxation at the discretion of the council or of the voters. The rates of assessment were in most instances dependent upon the amount and kind of property included.[137] Furthermore, land not laid out into lots could not be taxed except as agricultural lands or by the acre.[138] A special tax on dogs was also allowed by several of the charters.

In general it may be said that the charters contained little in regard to poll taxes or road taxes, although the towns operating under special charters constituted a road district which extended from one to two miles from the corporation limits. The council was usually authorized to supersede the regular road supervisors and to assume their duties; but in order to facilitate administration the council was given power to appoint one or more road overseers who were responsible to the appointing authority.

Burlington's charter of 1838 provided that all poll taxes should be applied to the repair of the streets and to no other purpose,[139] and yet the charter granted to Fort Madison on the same day allowed the council to assess two days labor upon the streets for every male inhabitant above the age of twenty-one and under fifty years. Moreover, the board was

[135] *Laws of Iowa*, 1850–1851, p. 64.

[136] *Laws of Iowa*, 1850–1851, p. 90, 1854–1855, p. 147, 1856–1857, p. 137.

[137] *Laws of Iowa*, 1854–1855, p. 103, 1856 (Extra Session), pp. 59, 69, 1856–1857, pp. 39, 57, 214, 225, 251, 319.

[138] *Laws of Iowa*, 1854–1855, pp. 175, 176, 1856 (Extra Session), p. 51.

[139] *Laws of the Territory of Wisconsin*, 1836–1838, p. 475.

given authority to appropriate such other sums raised upon the taxable property of the corporation as was deemed necessary for the maintenance of the streets.[140]

Burlington's second charter, enacted by the Territorial legislature of Iowa in 1845, gave the council power to collect "in money or labor, any sum not exceeding one dollar annually, as a road tax, from each and every person liable, by law, to pay such tax, or to labor on the highways".[141] This same provision was also incorporated in the next two charters granted to Dubuque.[142] In one instance the council was permitted to "require those persons having teams and owing street labor to furnish the supervisor with the same, providing for a fair and adequate allowance for the use thereof".[143] The Davenport charter of 1851 gave the board the power to require every male inhabitant in the city over twenty-one years of age to labor on the streets, not to exceed three days per year, and for refusal after notice to forfeit one dollar a day for each day so refused.[144] From this there seems to have been no age limit beyond which such labor might not be required, as was also the case in the Fort Madison charter mentioned above.

In some instances the persons liable to do work on the roads by the laws of the State might be required by the council to perform such labor.[145] Furthermore, the council was authorized in a few cases "to levy road taxes, not exceeding the amount allowed to be levied by the county court,

[140] *Laws of the Territory of Wisconsin*, 1836–1838, pp. 484, 485.

[141] *Laws of the Territory of Iowa*, 1845, p. 81.

[142] *Laws of the Territory of Iowa*, 1845–1846, p. 121; *Laws of Iowa*, 1846–1847, p. 111.

[143] *Laws of Iowa*, 1850–1851, p. 94.

[144] *Laws of Iowa*, 1850–1851, p. 123.

[145] *Laws of Iowa*, 1850–1851, pp. 152, 177, 211, 1852–1853, pp. 106, 107, 1856 (Extra Session), pp. 39, 71, 1856–1857, pp. 40, 49, 58.

and may provide" for the payment thereof.[146] By two charters a general tax, not to exceed three mills on the dollar on all property liable to road tax in the city, was allowed. The same charters prescribed a "road poll tax not exceeding three dollars for each resident under the age of fifty years and over the age of twenty-one years, the collection and payment of said taxes to be made or enforced in the same manner as other taxes in said city."[147] From this provision it would seem that women were liable for the payment of such taxes — although this could hardly have been the interpretation placed upon the clause.

The authority to correct injudicious or erroneous assessments being a necessary adjunct of the power to levy taxes, the charters almost without exception permitted the council to act as a board of equalization. In a few of the charters in which no specific provision was made for equalizing taxes, it was provided that the proceedings should "not be more stringent or summary than for the collection of state and county taxes".

In general it may be said that the council had the power to levy general and special taxes and to equalize them; that the assessor had the authority to assess the property, both real and personal, upon which taxes were levied; and that the marshal as collector, or some one appointed by the council, had the power to collect taxes by sale of property if necessary. In other words the taxing powers of the city council and its agents were complete.

FINANCIAL POWERS

The financial powers of the council consisted of adjusting claims, auditing accounts, publishing financial reports, ap-

[146] *Laws of Iowa*, 1852–1853, p. 91, 1854–1855, p. 179, 1856 (Extra Session), pp. 27, 40, 1856–1857, pp. 334, 352, 366.

[147] *Laws of Iowa*, 1856–1857, pp. 65, 142.

proving expenditures, issuing bonds, borrowing money, and appropriating funds for various purposes. Provision was usually made in the charters for the payment into the city treasury of all money raised and collected by any tax, license, penalty, fine, or forfeiture; nor could any money be drawn therefrom except by the order of the council, signed by the mayor and countersigned by the recorder — which was to be taken as evidence of the regular passage or approval of such expenditure.

Furthermore, it was usually the duty of the council to liquidate and settle all claims or demands against the corporation, and to require all officers who were intrusted with the collection or care of public money to render account to the council in such manner as the members thereof might direct. The council was directed by almost every charter to publish semi-annually — and if annually, at least twenty days before the regular election — a complete statement of the finances of the city, including a report of the receipts and expenditures together with all debts due or owing to and from the city. And the council was generally given authority to pass all laws "necessary and proper for carrying out the foregoing powers."

Of all the financial powers granted to the council that of borrowing money was probably the most important and the most fully regulated. Although provisions of this character were not usual in the charters enacted before 1850, still the first charter granted to an Iowa town contained such a section. Following the year 1850 nearly every charter contained provisions allowing the council under certain restrictions to borrow money. Moreover, many amendments were enacted by the legislature, either extending the power of the council over such matters or granting it to those cities whose charters contained no such authority.

As pointed out above, the Burlington charter of 1838

authorized the council to borrow money "for any public purpose" whenever it seemed expedient. But this power was limited by the requirement that the "nature and object of the loan shall be stated and a day fixed for the electors of the city to express their wishes."[148] Similar provisions requiring a majority vote of the people were incorporated in several of the charters passed during the later years of the period.[149]

Some of the charters designated the purpose for which money could be borrowed. Public improvements and the paving and repairing of streets were particularly mentioned; and in most instances the purpose of the loan must be stated in the call for the special election. To this general rule there were, however, many exceptions. For example, the Charles City charter of 1857 empowered the council to borrow money not to exceed "two hundred thousand dollars, and pledge the faith of the city for the payment thereof".[150] The purpose of the loan was not stated in the charter, nor need it be voted upon, although the question of borrowing had to be submitted to the voters. The borrowing power of the council of Camanche was limited to ten thousand dollars for school purposes.[151] In some instances the nature, object, and amount of the loan must be submitted to the people for approval, and the money could not be diverted from the object thus specified.[152]

Many charters provided that the borrowing of money must be approved by a two-thirds majority of the electors.

[148] *Laws of the Territory of Wisconsin*, 1836–1838, pp. 476, 477.

[149] *Laws of Iowa*, 1852–1853, p. 57, 1854–1855, p. 180, 1856 (Extra Session), p. 40, 1856–1857, pp. 180, 320, 333, 368.

[150] *Laws of Iowa*, 1856–1857, p. 333.

[151] *Laws of Iowa*, 1856–1857, pp. 365, 368.

[152] For such a provision see *Laws of Iowa*, 1856–1857, pp. 368, 369.

Such a requirement was particularly conspicuous in the charters granted during the later years of the period of special legislation. Four charters in 1851, three in 1853, and ten or more of the charters passed in 1857 contained such provisions.[153] As pointed out above, the purposes of the loans varied: in some instances "any purpose" was specifically mentioned, and in others the matter was left wholly to the discretion of the council.

To facilitate the borrowing of money cities operating under special charters were in many instances authorized to issue bonds. Particularly was this true when a city was given power to subscribe to the capital stock of a railroad company or a plank road company.[154] The amount of the bonds was usually limited, as was also their duration and the maximum rate of interest. From ten to twenty years was the period generally specified and the interest rate was in most instances left to the discretion of the council.[155]

Full discretion in the appropriation and distribution of corporate funds was not always vested in the council. The first charter containing a limitation in this matter was the one enacted for Fort Madison in 1848, which provided that "one half of the yearly revenue of the town for the payment of the present debt of the corporation" shall be appropriated by the mayor and aldermen, "but in no case shall they be allowed to make any contract, or incur any liabilities more than the amount of the surplus money on hand, and one half of the nett yearly revenue of the year when the contract is made or liability incurred."[156] A

[153] *Laws of Iowa*, 1850–1851, pp. 64–65, 92, 156, 213, 1852–1853, pp. 53, 107, 115, 1854–1855, p. 148, 1856 (Extra Session), pp. 26, 71, 1856–1857, pp. 41, 58, 72, 138, 158, 161–162, 226, 253, 289, 352.

[154] *Laws of Iowa*, 1850–1851, p. 166, 1856 (Extra Session), pp. 75, 76, 1856–1857, pp. 270, 399, 400, 402, 403, 447.

[155] In one instance the rate was not to exceed ten per cent.— *Laws of Iowa*, 1856–1857, p. 399.

[156] *Laws of Iowa*, 1848 (Extra Session), p. 72.

number of the charters permitted the council to appropriate money for the payment of all debts and expenses of the city, although the method was left to their discretion. A few charters allowed the board to appropriate "such fines and forfeitures as might be by them collected."

"An Act to provide for the repeal of the charter of Fort Madison", passed by the legislature in 1847, provided that "the Mayor and Board of Aldermen . . . . shall have no power to appropriate any of the funds collected or to be collected by them, other than for the payment of the officers of said town, and the debts of the corporation now existing and unpaid — that it shall be their duty to pay said debt or debts as soon as they shall be enabled to do so".[157] The Des Moines charter of 1857 made it "necessary to secure a two-thirds vote of . . . . [the] council, to carry in the affirmative any proposition involving appropriations for any general purpose".[158]

POWER OVER CITY PROPERTY

In almost every charter the corporate powers were enumerated in great detail. Included in such enumeration was the authority of the council over city property. The form in which this power was granted was stereotyped and read as follows: the city shall have "also the power of purchasing, using, occupying, enjoying and conveying real, personal and mixed estate." Thus the council was given authority to purchase and acquire property for the use and benefit of the corporation; and upon this power there were no limitations, except such as might be inferred from the restrictions above mentioned relative to the council's power to levy taxes and borrow money. But if funds were available there was nothing to prevent the purchase of such

[157] *Laws of Iowa*, 1846–1847, p. 149.

[158] *Laws of Iowa*, 1856–1857, p. 284.

property as the council deemed necessary. On the other hand, in regard to the sale of city property such freedom was in most instances limited.

Most of the charters required that the question of the sale of city property be submitted to the voters in such manner as the council deemed expedient, although in a few instances the manner was specifically provided. Ten days' notice was usually required in one or more newspapers printed in the city, or posted in three of the most public places, setting forth the time, place, and purpose of the election. In all cases the proposition had to be approved by a majority of the qualified electors voting at the election; and written or printed ballots were in most instances specified.[159] From this general rule there was, however, at least one exception: Guttenberg's charter, amended in 1857, provided that "any lot or lots or piece of ground of the town property for manufacturing purposes" may be sold by the council without the consent of the people. Guttenberg was evidently bidding for factories, for in the same amendment provision was made allowing the council to lease or rent public landing lots for mill or warehouse purposes.[160]

In addition to the power of purchasing property, the charters in several instances conferred upon the council the power of eminent domain. For example, the Maquoketa charter of 1857 provided that "the council shall have the right to take and appropriate private property to the use of said city, or destroy or remove the same when it shall be necessary . . . . by paying to the owners the full value thereof, to be ascertained by disinterested appraisers, as shall be provided by ordinance."[161] The Charles City

[159] *Laws of the Territory of Iowa*, 1845, p. 83, 1845–1846, p. 123; *Laws of Iowa*, 1848–1849, p. 27, 1854–1855, p. 32, 1856–1857, pp. 349, 427.

[160] *Laws of Iowa*, 1856–1857, pp. 157, 158.

[161] *Laws of Iowa*, 1856–1857, p. 179.

charter of the same year provided that in "every case the said city shall be liable to make full compensation at the fair cash value to the owners of all property, which shall then be taken for public use".[162]

Private property taken by the corporation was used for a variety of purposes — among which may be mentioned streets and alleys, public parks and grounds, and public buildings. As a matter of fact the council in several cities had the power to erect and repair market houses, work houses, hospitals, public halls, and city jails.[163] Moreover, the improvement and regulation of public grounds was a duty of the city council in a few cases.[164]

POWER OVER PUBLIC SCHOOLS

Before 1846 city councils in Iowa had no authority over public schools; but in that year the charter granted to Dubuque contained a section providing that the "council shall have power whenever they deem it expedient, to provide for the establishment and support of public schools within said city, and to pass all ordinances necessary and proper for the good government of the same."[165] The same section was incorporated in the new charter granted to Dubuque in the following year as well as in the charters enacted for Keokuk, Davenport, Keosauqua, Le Claire, and Des Moines.[166]

In 1851 a new element was introduced in the charters requiring the approval of the citizens on the question of establishing schools[167]— although the next two charters

[162] *Laws of Iowa,* 1856–1857, p. 337.

[163] *Laws of Iowa,* 1854–1855, p. 19, 1856–1857, pp. 288, 348.

[164] *Laws of Iowa,* 1856 (Extra Session), pp. 39, 60, 1856–1857, pp. 40, 49, 58, 115, 215, 226, 252, 320, 329, 333, 353.

[165] *Laws of the Territory of Iowa,* 1845–1846, p. 121. See also Aurner's *History of Education in Iowa,* Vol. I, pp. 16, 17.

[166] *Laws of Iowa,* 1846–1847, p. 111, 1848–1849, pp. 25, 26, 1850–1851, pp. 116, 152, 1854–1855, p. 29, 1856–1857, p. 290.

[167] *Laws of Iowa,* 1850–1851, pp. 64, 90, 1856–1857, p. 137.

enacted in the same year followed the plan as expressed in the Dubuque charter of 1846.[168] Two charters provided that the council should have "full control and authority over the common schools in said city".[169]

The charter granted to Maquoketa in 1857 contained a comprehensive provision which reads as follows: "The council may provide for the establishment and support of public schools within the city, and may constitute and regulate the school districts therein, and may form school districts embracing territory partly within and partly without the limits of said city, whenever the school fund commissioner, or other officer or officers having authority to form or alter school districts, shall concur therein: *Provided,* That the powers granted in this section shall only be exercised in pursuance of a vote of the citizens and persons interested in the exercise of said powers, and may provide by ordinance for the government of any and all schools established by said council."[170]

The school district which was co-extensive with the city of Dubuque was subject to the regulations of the council, and yet the school fund commissioner was authorized to alter the boundaries of the district. Moreover, the council could levy a school tax not to exceed one-fourth of one per cent and provide for the erection of buildings and for other expenses.[171] Camanche's charter, enacted in the same year, contained about the same provisions, although the district was not subject to alteration by the school fund commissioner.[172]

A very few of the charters authorized the council to ap-

[168] *Laws of Iowa,* 1850–1851, pp. 116, 152.

[169] *Laws of Iowa,* 1856 (Extra Session), p. 71, 1856–1857, p. 41.

[170] *Laws of Iowa,* 1856–1857, pp. 179, 180.

[171] *Laws of Iowa,* 1856–1857, p. 354.

[172] *Laws of Iowa,* 1856–1857, pp. 364, 365.

point or provide for the election of a board of education for the district. Furthermore, the council was allowed to vest in such board the necessary power for the care and management of public schools within the district, the employment of teachers, supervision of schools, and such other duties as seemed necessary. The council in a few instances was required to publish annually a complete school report.[173] In two charters the council was granted all the powers enumerated in chapter sixty-nine of the *Code of 1851*.[174]

The power of the council to borrow money and levy taxes for school purposes has been discussed above in the section dealing with power to levy taxes and financial powers.

POLICE POWERS

Municipal corporations are created not only for the purpose of administering local affairs but also to serve as agents of the State. The powers which they exercise are delegated to them. Many of these powers are known as police powers. Thus under the police powers of the municipality, nuisances, health, fires, markets, liquor, and the like, are regulated and controlled. In fact, while the exercise of police power by a governmental agency is primarily for the general welfare of the people, "it is well settled that laws and regulations of this character, though they may disturb the enjoyment of individual rights, are not unconstitutional, though no provision is made for compensation for such disturbances." Under the guise of police power private property may not be appropriated for public use, but its use and enjoyment may be regulated. If the owner suffers injury, "he is compensated for it by sharing in the

[173] *Laws of Iowa*, 1854–1855, pp. 15, 16, 1856 (Extra Session), p. 45, 1856–1857, pp. 354, 365.

[174] *Laws of Iowa*, 1854–1855, p. 181, 1856 (Extra Session), p. 28.

general benefits which the regulations are intended and calculated to secure. The citizen owns his property absolutely . . . . still he owns it subject to this restriction, namely, that it must be so used as not unreasonably to injure others".[175]

One of the police powers most frequently granted to the council by the special charters was that of the regulation of health — although during the later years of the period the provisions of the charters were more comprehensive. As a matter of fact, of the fourteen charters granted to municipalities in Iowa before 1846, only six contained provisions in regard to the regulation and control of public health; while of the forty-three charters enacted after that year, all but seven of them contained specific sections authorizing such regulation.

In general it may be said that about three-fourths of the charters vested the municipal authorities with power to regulate the health of the inhabitants, to fill up or drain low-lying lots upon which stagnant water had collected, and to prevent and abate nuisances. The council was also authorized to "pass all needful ordinances and by-laws", and to appoint health officers to carry out the foregoing powers. The following provision — identical in most of the charters — is typical of the council's power over health: "The council may make all necessary ordinances in relation to the cleanliness and health of the city, and may require the owners of lots, on which water become[s] stagnant, to drain or fill up the same; and in default thereof, after reasonable notice, may cause the same to be done at the expense of the city, and assess the costs thereof on the specific lots and cause them to be sold by the collector of the city, as in the case of taxes; and the owner may redeem from such sale as in case of a sale for tax."[176] In some instances the

[175] Dillon's *Municipal Corporations* (5th edition), Vol. I, pp. 553–555.

[176] For such a provision see *Laws of Iowa*, 1852–1853, p. 104.

council was authorized "to cause all putrid substances, either animal or vegetable, to be removed".[177]

Provision was made in a few of the charters for the protection of the inhabitants of the cities against contagious diseases, the council being authorized to pass quarantine regulations. Burlington's charter of 1838 authorized the council "to use all needful means to prevent the introduction of infectious diseases into said city".[178] The next provision of this character is found in the Davenport charter of 1851, authorizing the council "to make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce the same within five miles of the city".[179] Similar provisions were contained in an amendment to the Keokuk charter in 1853, allowing the council "to make regulations to prevent the introduction of paupers, or of contagious diseases, into the city, also to make quarantine laws and enforce the same within the city, and not to exceed four miles beyond the city bounds".[180] The jurisdiction of the council for the enforcement of such regulations was limited to three miles in the Mount Pleasant and Council Bluffs charters; while the Charles City charter contained no specific grant of power in such matters beyond the corporate limits.[181]

Hospitals were not generally provided for in the special charters. In fact it was not until 1851 that any provision was made for the establishment of hospitals. Davenport's charter of 1851 authorized the council "to establish hospitals, and make regulations for the government of the

[177] *Laws of Iowa,* 1856–1857, p. 289.

[178] *Laws of the Territory of Wisconsin,* 1836–1838, p. 472.

[179] *Laws of Iowa,* 1850–1851, p. 117.

[180] *Laws of Iowa,* 1852–1853, p. 135.

[181] *Laws of Iowa,* 1856 (Extra Session), p. 23, 1856–1857, pp. 115, 329.

same".[182] Dubuque's amendment in 1855 permitted the council "to erect, purchase, hold and regulate, hospitals".[183] It may be noted that most of the towns whose charters contained provisions for hospitals and quarantine regulations were river towns — the early ports of entry into the Iowa country.

Health officers for carrying out the health ordinances were appointed by the council and were subject to such rules and regulations as well as such compensation as the council deemed necessary and proper.

Some of the charters contained other miscellaneous provisions relative to certain trades and occupations which may be classed as police power. Bakers and butchers were subject to license and regulation by the council in the interest of the health of the inhabitants of the city. Moreover, in a few cases the sale of meats, fish, and poultry was prohibited except in a market, which was generally under the control of the council. Tenement houses, livery stables, nuisances, and cemeteries and burials were usually under the control and regulation of the council. Public wells were also subject to the same authority.

Most of the charters contained specific provisions enabling the council to pass ordinances for preventing the destruction of property by fire. As a matter of fact only about ten charters failed to grant such power. Furthermore, the council was usually authorized to prohibit the discharge of fire arms, to regulate the storage and sale of gunpowder, and to organize fire companies and provide them with all necessary fire extinguishing apparatus.

In order to carry out these provisions effectually the council in most instances was given power to prevent by

[182] *Laws of Iowa*, 1850–1851, p. 117. For other provisions of a similar character see *Laws of Iowa*, 1856 (Extra Session), p. 23, 1856–1857, pp. 115, 329, 348.

[183] *Laws of Iowa*, 1854–1855, p. 19.

ordinance the erection of any building of wood of more than ten feet in height in any block if such construction was by petition opposed by the owners of three-fourths of the lots in the square or fractional square. Moreover the council was authorized to condemn and cause to be removed any building or addition to any building in such square, except where the outer walls were composed of brick or stone and mortar. In the Burlington amendment of 1853, however, the council was authorized to give permission for the erection of buildings contrary to ordinance. This amendment also provided that "all judgments for the violation of any ordinance passed by virtue of this section, shall be liens upon the real estate, upon which such building is located, and the same shall be sold to satisfy the execution."[184]

Probably the most comprehensive statement of the power of the council over fires was contained in an amendment to the Keokuk charter in 1856 and reads as follows:

> That the City Council for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected, or placed, or repaired, without the permission of the said Council, and to direct that all and any buildings within the limits prescribed, shall be made or constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damage. The City Council shall also have power to regulate the construction of chimneys so as to admit chimney sweeps, and to compel the sweeping and cleaning of chimneys, to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous.
>
> To prevent the deposit of ashes in unsafe places, and appoint one or more officers to enter into all buildings and inclosures, to discover

[184] *Laws of Iowa*, 1852–1853, pp. 84, 85.

whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

To require the inhabitants to provide as many fire buckets, and in such manner and time, as they shall prescribe, and to regulate the use of them in time of fire. To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fire. To regulate and prevent the use of fire works and fire arms. To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

To authorize the Mayor, Aldermen, Fire Wardens, or other officers of said city, to keep away from the vicinity of any fire, idle and suspicious persons, and to compel all officers of said city and other persons to aid in the extinguishment of fires, and preservation of property exposed to danger thereat.

To organize fire, hook, ladder and axe companies.— To provide fire engines, and other apparatus for the extinguishment of fires. To appoint during pleasure, Wardens and Engineers of the fire department. To appoint during pleasure a competent number of Firemen and prescribe their duties, and to impose fines and forfeitures upon them, for the violation of the rules and regulations prescribed, and generally to establish such regulations for the prevention and extinguishment of fires, as the City Council deem expedient.[185]

It seems that such elaborate and detailed provisions were hardly necessary in order to give the council complete power over fire prevention; but by this means the cities were freed from judicial interference in the powers granted by the legislature.

The power to license and the power to tax are based upon different principles — the former being exercised for regulative purposes, although in some instances it has been held not to be unconstitutional for licenses to be issued for revenue.

Most of the special charters, particularly during the later years of the period, permitted the council "to regulate by

[185] *Laws of Iowa*, 1856 (Extra Session), pp. 48, 49.

good and wholesome'' laws all taverns, groceries, and other places where spirituous liquors were sold. Moreover, the council was given full and exclusive power to grant or refuse licenses to taverns, inn keepers, and retailers of liquor in quantities of less than one quart. Although the council was given exclusive authority over the sale of liquor within the corporation, most of the charters provided that the regulations passed by the council should not be repugnant to the laws of the Territory or the State.

The Bloomington (now Muscatine) amendment of 1842 gave the city council power to license the retailing of ''ardent spirits within the limits of the corporation; and the proceeds of such licenses shall be appropriated, the one half for the benefit of said corporation, and one half to be paid into the county treasury.''[186] But an amendment of the Mount Pleasant charter passed in 1844 permitted the council ''to grant or withhold, at their discretion, all licenses for the retailing of ardent spirits . . . . and to appropriate the proceeds . . . . for the benefit of said corporation''.[187]

Keosauqua's charter of 1851 provided that the ''council shall have power and it is hereby made their duty to regulate by good and wholesome laws and ordinances, all taverns, ale, beer, cider and porter shops, and places where spirituous or vinous liquors are sold in less quantities than one gallon . . . . and the city council shall have full and exclusive power to grant or refuse license to tavern keepers''.[188] Although the Oskaloosa charter of 1855 contained no specific grant of power over the sale of liquor, the council was authorized to ''make any other ordinary, suit-

[186] *Laws of the Territory of Iowa,* 1841–1842, p. 120.

[187] *Laws of the Territory of Iowa,* 1843–1844, p. 103.

[188] *Laws of Iowa,* 1850–1851, p. 150.

able and proper police regulation'' and under this provision licenses could probably be issued to retailers of liquor.[189]

Furthermore, most of the charters permitted the council to regulate and license all theatrical exhibitions, and public shows and all exhibitions of whatever name or nature to which admission was obtained on the payment of money, but provision was made that no such license should extend to any entertainment of a scientific or literary character. Showmen, keepers and managers of theatrical exhibitions and other entertainments for money or other reward, auctioneers for the sale of horses and other domestic animals at public auction in the streets, and keepers of ferries were also generally subject to license and regulation. Moreover, the council could exact such reasonable terms and conditions as in their opinion the ''peace, quiet, and good order of society and the city may require''; and such licenses might be suspended or revoked whenever the general welfare of the city made such action necessary.

The council in Muscatine was authorized to ''impose license upon all persons exercising the business or calling of an auctioneer, within the said city, in such sum as the said council may determine, and upon such conditions as the said council may see proper to affix.'' In addition the council was given ''power to tax and regulate auctioneers in their calling, and to require each . . . . to execute to the said city a bond . . . . conditioned that he will render a true account of all sales made by him, and promptly pay over to the said city all taxes which may become due to the said city from the sales so made by him as auctioneer''.[190]

Broker and loan offices were also in several charters subject to regulation and license.[191] The Davenport charter of

[189] *Laws of Iowa,* 1854–1855, p. 126.

[190] *Laws of Iowa,* 1856–1857, pp. 24, 25.

[191] *Laws of the Territory of Iowa,* 1845–1846, p. 121; *Laws of Iowa,* 1846–1847, p. 111, 1848–1849, p. 25, 1850–1851, pp. 117, 152, 1854–1855, p. 29, 1856 (Extra Session), p. 23, 1856–1857, pp. 330, 425.

1842 provided for licensing bakers; and the price and weight of bread might be regulated by the council.[192] Moreover, Fort Madison's charter of the same year allowed the council "to prohibit the baking . . . . [of bread] for sale, except by those licensed",[193] and the same provision was incorporated in the next charter granted to Fort Madison in 1848.[194]

In 1853 an amendment containing a very comprehensive grant of power relative to licenses was passed by the legislature for the city of Keokuk. The council was given authority "to license, tax, and regulate agents or agencies of foreign insurance companies, hawkers or peddlers, and pawnbrokers . . . . to regulate, license, or prohibit butchers, and to revoke their licenses for malconduct in the course of trade, and to regulate, license and restrain, the sale of fresh meats and vegetables in the city."[195]

But the Burlington amendment of the same year contained a still more comprehensive section in which the council was authorized "to grant or refuse license to sell merchandize, real estate, money, and pawnbrokers, to storage and forwarding or commission merchants, to lumber merchants, auctioneers, to hawkers and peddlers, either of wholesale or retail, to insurance, except mutual insurance companies, to keepers of billiard tables, nine or ten-pin alleys, bagatelle tables, or shuffle boards, to livery stable keepers, and also for the running of carriages, or any other vehicles for conveying persons or property, for hire; for all public concerts, or exhibitions for the public entertainment or amusement, and to require and receive for each license such sums of money as they may deem expedient

[192] *Laws of the Territory of Iowa*, 1841–1842, p. 43.

[193] *Laws of the Territory of Iowa*, 1841–1842, p. 77.

[194] *Laws of Iowa*, 1848 (Extra Session), p. 67.

[195] *Laws of Iowa*, 1852–1853, p. 135.

and just. And all judgments rendered for violations of any ordinance in relation to licenses, shall be liens upon all the property used in violation of said ordinance, and the same may be sold to satisfy the execution."[196]

One charter made bankers and wagons subject to license and regulation; while another included eating-houses, hotel-keepers, boarding-houses, "bankers, dealers in money, warrants, notes and other evidences of indebtedness, and works of all kinds."[197] Still other charters provided for the regulation of gambling-houses, baudy-houses, weights and measures, and for the inspection of coal, hay, beef, pork, flour, butter, lard, and other provisions. A few charters made provision for the regulation of the "character and size of the foundation and other walls of buildings".[198] The rates charged for the carriage of persons and the drayage of property were also in some instances under the control of the council.

Most of the charters of the river towns provided for the establishment, regulation, and licensing of ferries. The first provision of this character was contained in the Fort Madison charter of 1842, authorizing the council to establish one or more ferries across the Mississippi River and to lease the same for one or more years.[199] Burlington's charter, which was granted three years later, allowed the council to license the keepers of ferries across the Mississippi River and exact such "sum or sums of money as they shall think fit and expedient".[200]

The city of Bloomington (now Muscatine) was given ex-

[196] *Laws of Iowa*, 1852–1853, p. 84.

[197] *Laws of Iowa*, 1856–1857, pp. 179, 348.

[198] *Laws of Iowa*, 1850–1851, p. 117, 1856 (Extra Session), p. 23, 1856–1857, pp. 116, 330, 349.

[199] *Laws of the Territory of Iowa*, 1841–1842, p. 77.

[200] *Laws of the Territory of Iowa*, 1845, p. 80.

clusive authority to establish, operate, or lease ferries, but if leased it should be for not more than ten years. In 1848 the charter was again amended, permitting the council to fine any person who should ferry people or property across the Mississippi River "in any boat or vessel used for the purpose of ferrying, with or without compensation therefor, having no license, leave or permission from the President and Trustees". This act also contained provisions for commencing the action and the details for recovering the boat or vessel if it were condemned and forfeited to the city.[201]

Keosauqua's charter of 1851 made possible the licensing of the keepers of ferries and bridges across the Des Moines River from the city to the opposite shore.[202] A similar provision was also contained in the Council Bluffs charter of 1857 relative to the ferries across the Missouri River.[203] In a few instances provision was made for the establishment and operation of free ferries.[204]

Municipalities are usually granted large powers in regard to the prevention and abatement of nuisances in order to promote the public health, safety, and convenience of the inhabitants. Thus the cities operating under special charters were in most instances given "the power to prevent and abate nuisances". After 1845, however, the practice seems to have been to enumerate certain definite and specific subjects which the council might regulate or prohibit. For example, the Des Moines charter of 1857 authorized the city council among other things "to prevent and regulate the rolling of hoops, playing of ball, flying of kites, or

[201] *Laws of Iowa,* 1848 (Extra Session), pp. 37, 38.

[202] *Laws of Iowa,* 1850–1851, p. 150.

[203] *Laws of Iowa,* 1856–1857, pp. 113, 114.

[204] *Laws of Iowa,* 1848 (Extra Session), p. 71, 1852–1853, p. 53, 1856–1857, p. 289.

any other amusements or practice having a tendency to annoy persons".[205]

In general the powers of the council over nuisances were as follows: to remove buildings dangerous to health or the prevention of fire; to prohibit animals from running at large (limited in some charters to certain seasons of the year); to prohibit dogs from being kept within the city; to prohibit the discharge of fire arms within the limits of the corporation; to regulate the storage and sale of gunpowder; to prevent racing and immoderate driving on the streets; to regulate or prohibit gaming and gambling houses; to prohibit disorderly houses; to prohibit fireworks in the streets; to regulate or prohibit the sale of liquor, unless such prohibitions were repugnant to State law; and to prohibit the keeping of swine within the city.

In order to enforce the city ordinances relative to the matters above named the council was usually authorized to "make all needful by-laws and ordinances to enforce the foregoing powers". Two charters permitted the council to levy a fine of five dollars on persons who allowed swine to run at large, and such fine was to "be paid to the person making complaint."[206] According to other charters fines varying from ten dollars to one hundred dollars might be levied for the breach of city ordinances. A few charters provided either a fine or imprisonment in the city or county jail — the latter in most instances being limited to thirty days, although in one case the term was not to exceed seventy--five days.[207] These fines could be worked out by performing labor on the streets, the compensation in at least one instance being limited to one dollar per day.[208]

[205] *Laws of Iowa*, 1856–1857, p. 288.

[206] *Laws of Iowa*, 1856–1857, pp. 261, 271.

[207] *Laws of the Territory of Iowa*, 1843–1844, p. 150.

[208] *Laws of the Territory of Iowa*, 1839–1840, p. 159, 1841–1842, p. 108, 1843–1844, p. 150; *Laws of Iowa*, 1848 (Extra Session), p. 68, 1848–1849, p. 27, 1856 (Extra Session), p. 22, 1856–1857, pp. 153, 187, 295, 317, 346, 363.

Special charter cities usually constituted one road district, and the council was entrusted with the general care and improvement of streets and alleys within the corporate limits and of all roads leading from the city for a distance of one or two miles. The city authorities were usually given complete and exclusive jurisdiction over the road district thus formed. Furthermore, the council was authorized to appoint one or more road supervisors or commissioners and prescribe their duties.

In some instances general road taxes were levied by the city council, although a few charters provided that such taxes be levied and collected by the county officers and by them paid into the city treasury.[209] The council usually had the power to open, establish, alter, and vacate streets, and in a few cases they might extend streets through any territory that was added to the city. In such cases, however, the corporation was made liable for full compensation to the owners of property thus taken. Furthermore those charters granting to the council the power of eminent domain usually made provision for the assessment of damages by a specially appointed board or commission.[210] In one charter the council had the power to determine the damages by such method as they deemed proper.[211]

After 1846 the charters usually contained detailed provisions permitting the council to vacate, improve, light, grade, and pave streets and alleys. In regard to these matters the early charters were brief and granted power in very general terms. For example, the Burlington charter of 1838 granted the council the power to make regulations and ordinances for the "public improvement of said

[209] For such provisions see *Laws of Iowa*, 1856 (Extra Session), p. 50, 1856–1857, p. 94.

[210] See *Laws of Iowa*, 1856–1857, pp. 179, 337, 352, 353.

[211] See *Laws of Iowa*, 1856–1857, p. 337.

city''; and the Fort Madison charter of the same year specified the power to ''grade streets . . . . [and] to open and keep in repair, streets, avenues, lanes, alleys, drains and sewers''. In the same act further provision was made for the selection of a board or jury for the assessment of damages arising from the opening of streets, and for the levy and collection of labor to be performed upon the streets.[212]

Many of the special charters also provided for changing the grade of streets upon a petition of the owner or owners of ''two-thirds the value of the real property on both sides of the street where the change is desired.''[213] Furthermore, the council was usually given power to regulate and improve streets and alleys and determine the width of sidewalks, provided that no private property be taken without just compensation to be ascertained by a jury of freeholders chosen by the council or marshal. Notice had to be given to all persons whose property was to be appropriated, else the whole proceeding was invalid. If damages against the city were awarded they were to ''constitute a valid claim . . . . and may be sued for and collected as any other claim.''[214]

In most instances, however, the board making the assessment of damages arising from the opening or changing of streets was directed to take into consideration the advantages and disadvantages of such alterations and improvements. From the decision of this damage board appeal could be made to the district court, but its decision or judgment was final.[215] The most comprehensive scheme for the

[212] *Laws of the Territory of Wisconsin*, 1836–1838, pp. 472, 483–485.

[213] See *Laws of Iowa*, 1854–1855, p. 103, 147, 1856 (Extra Session), pp. 38, 58, 1856–1857, pp. 39, 48, 56, 138, 180, 224.

[214] *Laws of Iowa*, 1856–1857, pp. 352, 353.

[215] *Laws of Iowa*, 1856–1857, p. 397.

assessment of damages was contained in an amendment to the Burlington charter enacted in 1851.[216] Damages of this character were usually paid out of the general revenue of the corporation, although in a few instances the council was authorized to levy a special tax upon the real estate enhanced in value by the proposed change.[217]

A few charters permitted the council to vacate any street or alley "upon the petition of two-thirds the value of the real property on both sides of the street" where the change was desired. The Wapello amendment of 1857, however, made the city liable for damages.[218] The president and trustees of Bloomington (Muscatine) were authorized to permit "any person owning all the lots in any block in said town, to enclose and have the possession and use of the alley of said block, so long as such person may own every lot of such block."[219]

The erection and regulation of bridges was generally under the control of the council. In 1842 the city of Davenport received a charter giving the council the power "to erect and repair bridges". The same power was granted in the Farmington charter of 1847, in the Fort Madison charter of 1848, in the Davenport charter of 1851, and in the amendments enacted for Dubuque in 1855 and 1857.[220]

Provision was usually made in the charters enacted during the latter part of the period for the paving of streets

[216] *Laws of Iowa,* 1850–1851, pp. 83, 84. For other provisions relative to damages see *Laws of the Territory of Wisconsin,* 1836–1838, pp. 483, 484; *Laws of Iowa,* 1850–1851, pp. 84, 198, 1852–1853, pp. 53, 90, 133, 1854–1855, pp. 76, 77, 139, 1856 (Extra Session), p. 47, 1856–1857, pp. 94–98, 119, 146, 179, 240, 241, 251, 352–353, 364, 397.

[217] For such a provision see *Laws of Iowa,* 1856–1857, pp. 240, 241.

[218] *Laws of Iowa,* 1856–1857, p. 71.

[219] *Laws of the Territory of Iowa,* 1841–1842, p. 121.

[220] *Laws of the Territory of Iowa,* 1841–1842, p. 43; *Laws of Iowa,* 1846–1847, p. 98, 1848 (Extra Session), p. 67, 1850–1851, pp. 117, 157, 1854–1855, p. 15, 1856–1857, p. 348.

and alleys, the construction of sidewalks, sewers, and public wells, the erection of street lights, and the establishment of night watches and police. The council was in most instances authorized to require the owners of adjacent lots to pave one-half of the width of the street or such paving could be done by the city and the expense assessed upon the lots. Such assessment had the effect of a special tax, and the property could be sold by the collector in the same manner as real and personal property for general taxes. The expense of constructing sewers was generally met by an assessment "upon the property benefitted thereby".

For the care and improvement of streets and alleys the council was authorized to levy a tax on the property within the corporation. The amount of the tax was usually limited to three mills on the dollar's worth of such property. Poll taxes were also provided for, varying from one to three dollars. Special treatment has been given both road taxes and poll taxes in a preceding section, so that further consideration of them in this connection is unnecessary.

POWER TO AMEND THE CHARTER

Previous to 1855 the legislature retained the power to amend the charters which it had enacted. In 1855 the city council of Oskaloosa was given the authority to propose amendments to the charter, and it was provided that the proposed amendment should "be submitted to the legal voters at the annual election; and if a majority of the votes cast for and against the amendment be for it, the amendment shall thereupon become a part" of the charter of the municipality.[221]

Similar provisions were incorporated in the Newton and Tipton charters of 1857.[222] Thus, throughout the entire

[221] *Laws of Iowa*, 1854–1855, p. 129.

[222] *Laws of Iowa*, 1856–1857, pp. 148, 165.

period of special legislation in Iowa only three municipalities were authorized to amend or change their charters.

VII

THE MAYOR IN SPECIAL CHARTER CITIES

The mayor, or president as he was sometimes called, was always elected by the qualified voters of the city for a term of one year — except in one instance when the term was extended to two years.[223] Although none of the charters definitely fixed or specified the compensation of the mayor, as a member of the council he may be presumed to have received whatever salary or fees were granted by the electors. The charters did, however, provide that for his judicial duties the mayor should receive the same compensation as was allowed the justices of the peace for similar services.

The qualifications of the mayor varied widely, although in most instances he was required to be a citizen and also a resident of the city for a period of from one to three years. A few of the charters required candidates for the office to be twenty-one years of age, and in one case the necessary age was twenty-five years.[224] The bond of the mayor was fixed at the discretion of the council, although one charter provided that a bond of one thousand dollars should be required.[225] Furthermore, the mayor was required to take an oath to support the Constitution of the United States and the Constitution and laws of the State or Territory, as the case might be, and to faithfully perform the duties of his office.

Vacancies in the office of mayor, caused by death, resig-

[223] *Laws of Iowa,* 1854–1855, p. 9.

[224] *Laws of the Territory of Wisconsin,* 1836–1838, p. 471.

[225] *Laws of Iowa,* 1848–1849, p. 33.

nation, or removal from the city, were filled by special election in most instances. A few charters, however, provided that the council might choose one of their own members to fill out the unexpired term. Temporary vacancies in the office were usually filled by the senior trustee or by the president *pro tem;* but such appointees could not perform any of the mayor's judicial functions.

The duties which the mayor promised "to faithfully perform" were many and somewhat varied in their character. He was always the presiding officer of the council and the chief administrative officer of the city. In the council the mayor usually voted in case of a tie, although during the early years of the period the mayor and recorder voted upon all measures and their presence was necessary to a quorum. The duty of calling special meetings of the council usually devolved upon the mayor, but in some instances the call was subject to the approval of a majority of the members.

The seal of the city was usually given into the custody of the mayor, and the records of the municipality were likewise entrusted to his keeping. Furthermore, all by-laws, ordinances, tax duplicates, commissions, and licenses, as well as all orders of the council upon the city treasury required the signature of the mayor. Most of the charters provided that the mayor should be the chief executive officer of the council, the conservator of the peace, and the overseer of the official conduct of all subordinate officers.

The mayor was usually required to publish all ordinances at least six days before they went into operation, to issue all processes against offenders, and according to most of the charters to hear all trials for offences against the city ordinances. He was ex officio justice of the peace and had concurrent jurisdiction of offences against the State law committed within the limits of the corporation. When act-

ing in the capacity of a judicial officer he was subject to the same regulations as a justice of the peace.

A jury was not required in the mayor's court, although a jury of six persons could be impanelled if requested by one of the parties to a suit. The mayor was directed to keep a record of all proceedings held before his court. Moreover, in his administrative capacity, the mayor was authorized to cause the neglect of subordinate officers to be punished. In one instance the mayor was subject to indictment and trial in the district court, and if convicted was liable to a fine not to exceed two hundred dollars. Furthermore, he was liable to removal from office by the court on the recommendation of the jury.[226] The amendment granted to the Keokuk charter in 1856 provided that "the Mayor . . . . shall exercise no judicial functions whatever, but shall be the executive officer of said city, and as such shall have the right to remit fines and pardon offences committed against the municipal ordinances and regulations of said city."[227] All judicial functions of the mayor were by this act conferred upon the recorder's court.

The Farmington charter of 1847 provided that "the mayor shall nominate, and with the concurrence of the Board of Aldermen, appoint all officers within the city, which are not ordered by law or ordinance to be otherwise appointed. It shall be his duty to enforce the laws of the State, and ordinances of the city, within the corporate limits thereof. He may, with the advice of the Board of Aldermen, remove from office any person holding office created by ordinance; he shall have power to fill all vacancies that may happen in any office, other than aldermen".[228] Such powers were, however, the exception and not the general rule.

[226] *Laws of Iowa,* 1850–1851, p. 120.

[227] *Laws of Iowa,* 1856 (Extra Session), p. 43.

[228] *Laws of Iowa,* 1846–1847, p. 97.

VIII

THE RECORDER IN SPECIAL CHARTER CITIES

The recorder, or clerk as he was sometimes called, was generally elected by the qualified electors of the corporation, although a few charters permitted the appointment of the recorder by the council and in one instance — that of Farmington in 1847 — the mayor was authorized to appoint the clerk "with the consent of the Board of Aldermen".[229]

Except in one instance, the term for which the recorder was chosen was one year.[230] The qualifications necessary for the office varied in no essential particulars from those of other elective officers — the council prescribing the qualifications of the clerk when filling the office by appointment.

The council was usually authorized to fix the compensation of the recorder in such sum as was by them deemed expedient; but some of the charters provided that such compensation should not exceed the amount paid by the township or county for similar services. Moreover, the fee system of compensation was generally employed. In no charter was there provision for the payment of a salary.

During the first few years of the period the recorder seems to have been exempt from giving a bond for the faithful performance of his duty; but after 1846 the council was usually authorized to require a bond from all subordinate officers. The general rule, however, seems to have been to leave the matter of bonds very largely to the discretion of the council. At the same time a few charters required the

[229] *Laws of Iowa*, 1846–1847, p. 99.

Seven other charters authorized the council to appoint the recorder.— *Laws of Iowa*, 1846–1847, pp. 156–157, 1848 (Extra Session), p. 66, 1848–1849, p. 20, 1850–1851, pp. 85–86, 144, 1852–1853, p. 52, 1856–1857, p. 284.

[230] *Laws of Iowa*, 1854–1855, p. 9.

recorder and other officers to give a bond, the amount of which was under the control of the council.[231]

The recorder was generally required to take an oath of office, as were the other officers of the corporation. Before entering upon the duties of the office he was required to take an oath to support the Constitution of the United States and of the State and the laws passed under them. He must promise to perform faithfully the duties of his office.

Vacancies in the office of recorder were usually filled by the council — except in a few cities where the charters required the filling of vacancies by special election. The recorder was permitted by several charters to appoint a deputy whose duty it was to fill the office in the absence of the recorder, but for the acts of the deputy the recorder was responsible.

The charters, except in a few instances, did not specifically enumerate the duties of the recorder, but provided that the council should require the performance of duties which were not inconsistent with State law. Particularly was this true under those charters which permitted the council to appoint the recorder and prescribe his duties.

The duties which the recorder was generally required to perform were the following: keep a true record of the proceedings of the council, attend all meetings, appoint a deputy and be responsible for his acts, make out and sign tax duplicates, attest the annual financial report of the city council, countersign and publish all ordinances, keep ordinances in a book provided for the same, keep a record of elections and notify elected persons, post election notices, call meetings of the council in the absence of the mayor, sign all orders for money, and sign all bonds, contracts, and deeds.

[231] *Laws of Iowa*, 1850–1851, p. 87, 1852–1853, pp. 102, 112, 1854–1855, pp. 100, 125, 1856 (Extra Session), pp. 34, 55, 1856–1857, pp. 211, 222, 327.

Other duties of the recorder, not generally mentioned in the charters or contained in amendments thereto, were as follows: preside at the meetings of the council in the absence of the mayor or president *pro tem;* furnish rooms and stationery for the use of the council; preserve all public papers and keep the seal of the corporation; keep the accounts of the city; record all oaths and administer them; serve ex officio as assessor (for the first time in 1838);[232] make out a list of delinquent taxes and add them to the list for the current year for collection; keep a record of the returns of the city marshal and a list of all lots sold by him; keep a separate account of all money paid into the city treasury for school purposes; keep a record of the proceedings of the commissioners and the amounts paid out of the treasury at their order to compensate the owners of property damaged by changing the grade of streets; make out tax lists from the assessor's report; receive the purchase money arising from the sale of lots for taxes; index city ordinances in a separate volume; give notice in the newspapers of assessments; and make out a special tax list and give it to the treasurer.

From the powers and duties mentioned above it is evident that the clerk was the recording officer of the city. Some of the charters provided that he should act as assessor or as treasurer — duties clearly outside the usual sphere as laid down by the general incorporation acts of the period. Indeed, the recorder may be considered second in importance among the executive officers under the special charter regime. Particularly during the early years of the period, the recorder's presence was necessary to a quorum in meetings of the council, and in many instances he was authorized to vote on all measures.[233]

[232] *Laws of the Territory of Wisconsin,* 1836–1838, pp. 473, 474.

[233] *Laws of the Territory of Wisconsin,* 1836–1838, pp. 481, 482.

IX

THE TREASURER IN SPECIAL CHARTER CITIES

The treasurer was usually elected by the qualified voters of the city, although a few charters provided for his appointment by the city council. In a few instances the council was authorized to "provide for the election" of subordinate officers. The Burlington charter of 1838 — the first to be granted to an Iowa town — provided for the election of the treasurer "by the free white citizens of said city". This charter also required the treasurer and other officers to "be commissioned by the governor of the territory".[234] The Fort Madison charter, approved on the same day, permitted the council to "provide in said ordinances for the election of a treasurer".[235]

The provision of the Davenport charter of 1839 clearly means that the council should appoint the treasurer, since it grants that power in specific terms.[236] Indeed, about ten of the charters seem to have copied this provision from the act mentioned above.[237] The Centerville charter of 1857 did not provide for a treasurer. In fact one mayor, six councilmen, and one marshal were the only officers mentioned, although the duties of a recorder were prescribed.[238]

The term of the treasurer was for one year, except in a single instance. The qualifications of the treasurer were the same as those of the other subordinate officers. He was invariably required to give bond in such sum as the council might prescribe. Moreover, the oath which he was required

[234] *Laws of the Territory of Wisconsin*, 1836–1838, p. 471.

[235] *Laws of the Territory of Wisconsin*, 1836–1838, p. 483.

[236] *Laws of the Territory of Iowa*, 1838–1839, p. 266.

[237] *Laws of the Territory of Iowa*, 1838–1839, p. 266, 1839–1840, pp. 93, 161, 1840–1841, pp. 35, 98, 1841–1842, pp. 15, 43, 76; *Laws of Iowa*, 1846–1847, p. 50, 1856–1857, pp. 145, 161.

[238] *Laws of Iowa*, 1856–1857, pp. 108, 109.

to take was usually left to the discretion of the council. His compensation was in no instance a specified sum, but was to consist of such fees as the council deemed necessary. Indeed, the provision of the charters relative to subordinate officers was usually as follows: the council "shall have power . . . . to prescribe their duties and decide their qualifications and period of service, fix their fees and compensation, and require them to take an oath or affirmation faithfully to discharge the duties of their respective offices, and may request of them security for the performance of their official duties." Vacancies were generally filled by the council, although a few charters prescribed that all vacancies should be filled at a special election called for that purpose.

As may be seen from the quotation given above, the charters usually authorized the council to prescribe the duties of subordinate officers. Particularly was this true in those instances in which they were chosen by the council. Furthermore, when subordinate officers were elected by the qualified voters the council was often permitted to require any additional duties not inconsistent with State law. But in general it may be said that the duties of the treasurer were not specifically enumerated.

The Burlington charter of 1838 provided that "the duties of said marshal, recorder, and engineer of the streets shall be defined by the mayor and aldermen in common council", but no provision was made for any duties of the treasurer. Although a treasurer was elected, the charter provided "that the city marshal be ex-officio collector for said city".[239] Just what the status of the treasurer was under this charter would be difficult to determine.

The first charter to enumerate the duties of the treasurer was the one granted to Dubuque in 1840, which provided

[239] *Laws of the Territory of Wisconsin*, 1836–1838, pp. 471, 474.

that he "shall receive and safely keep all moneys which may come into his hands, and when he receives moneys from the marshal, collector or clerk, he shall give a receipt for the same, he shall, once in every three months, make out a list of all moneys by him received and paid out, and make a complete settlement with the board, he shall not purchase, buy or in any way trade for any city orders at a less value than the amount called for by the same, he shall give to the board a bond with security to their satisfaction, and be in all things governed by the by-laws and ordinances."[240]

Dubuque's new charter, granted seven years later, provided that the treasurer should "perform such duties and exercise such powers as may be lawfully required . . . . by the ordinances of said city."[241] Fort Madison's revised charter, enacted in the following year, provided for the appointment of "a marshal, who shall be assessor, collector and treasurer", whose duties were prescribed by the council.[242]

In some of the charter amendments provision was made for particular duties of the treasurer. He was authorized to pay the interest on the loan to a plank road out of the dividends which the city had received;[243] to give receipts for all money paid to the corporation; to register and countersign all outstanding demands on the treasury and report the same to the council;[244] to keep a separate account of the school moneys paid into the treasury and pay no money therefrom except for the specific purpose for which it was appropriated or collected;[245] and to receive the

[240] *Laws of the Territory of Iowa,* 1839–1840, p. 161.

[241] *Laws of Iowa,* 1846–1847, p. 106.

[242] *Laws of Iowa,* 1848 (Extra Session), p. 66.

[243] *Laws of Iowa,* 1850–1851, p. 166.

[244] *Laws of Iowa,* 1852–1853, p. 92.

[245] *Laws of Iowa,* 1854–1855, p. 16.

money arising from the redemption of property sold for taxes.[246]

The amendment to the Cedar Rapids charter in 1856 provided that the duties of treasurer and collector should be performed by the same person.[247] One charter provided that "it shall be the duty of the treasurer to receive and safely keep, without using or lending, any and all money which may come into his possession by virtue of his office, and shall pay none out, except by order of the council, signed by the mayor and countersigned by the recorder; he shall keep a book in which he shall keep a correct account of all money by him received, and from whom received, and on the payment of money, the order shall be delivered up to the treasurer, to be cancelled, and shall be his voucher on settlement; he shall make settlement with [the council] whenever required so to do by the council."[248] In one instance he was authorized to collect the special tax resulting from the benefits of certain changed streets.[249]

Although the authority to sell real estate for the nonpayment of taxes on property within the municipal corporation was usually given to the marshal, in the Des Moines charter of 1857 this power was conferred upon the treasurer. Furthermore, upon the payment of a fee of one dollar he was required to issue a deed to the purchaser.[250]

Again, the revised charter enacted for the city of Dubuque in 1857 made it the duty of the treasurer "to take charge of and keep the funds and monies of the city; he shall keep the same in three separate funds, to be denominated the 'general fund,' the 'road fund,' and the 'school

[246] *Laws of Iowa*, 1854–1855, p. 151.

[247] *Laws of Iowa*, 1856 (Extra Session), p. 31.

[248] *Laws of Iowa*, 1856–1857, p. 162.

[249] *Laws of Iowa*, 1856–1857, p. 242.

[250] *Laws of Iowa*, 1856–1857, p. 292.

fund,' and shall pay out money only upon orders from the city council, signed by the mayor and attested by the recorder, and countersigned by the auditor, or upon orders from the board of education under authority of ordinance, which orders shall specify the fund drawn upon. He shall keep an account with each fund, and shall from time to time report his receipts and expenditures, as required by the city council.''[251]

X

THE ASSESSOR IN SPECIAL CHARTER CITIES

The assessor, like the recorder and treasurer, was usually an elective officer, although he was in several instances appointed by the council. His term was for one year, except in the Bloomfield charter of 1855 — although the assessor was not specifically mentioned. The first charter granted to an Iowa municipality did not provide for an assessor as such but consolidated the offices of recorder and assessor[252] — a principle which was copied in a few of the charters of later years. But in one instance the marshal was ex officio assessor, collector, and treasurer.[253]

The compensation of the assessor was usually fixed by the council, as was also the amount of his bond — when one was required. A period of residence was required in most instances, and the candidate had to be a legal voter of the city. An oath of office was prescribed at the discretion of the council. Vacancies were generally filled by appoint-

[251] *Laws of Iowa*, 1856–1857, p. 351.

One charter provided for an auditor who should keep ''a full and fair exhibit of the finances of the city, its revenues, expenditures, indebtedness and audits. He shall countersign all orders on the treasury . . . . and shall perform such other duties as the council may by ordinance or resolution require.''— *Laws of Iowa*, 1856–1857, p. 351.

[252] *Laws of the Territory of Wisconsin*, 1836–1838, pp. 473, 474.

[253] *Laws of Iowa*, 1848 (Extra Session), p. 66.

ment, although special elections were provided by some charters. In general the provisions relative to the assessor were in no essential particulars different from those affecting the other subordinate officers.

The duties and powers of the assessor, like those of the other subordinate officers, were usually not enumerated in the charters, but the council was authorized to "prescribe their duties". The Fort Madison charter of 1838 allowed the board to appoint two assessors — a provision that was copied in several of the later acts.[254] The Dubuque charter, enacted two years later, provided for the appointment of one or more assessors who should assess the property within the city "in such manner and under the same regulations as are or may be provided by law for the assessment . . . . of county taxes".[255]

During the next eight years the charters or their amendments contained relatively little in regard to the duties of the assessors. In 1849, however, an amendment to the Bloomington charter contained a section which reads as follows: "the assessors, in making out an assessment of real estate within said town, for corporation purposes, shall return the assessed value of the same irrespective of improvements thereon."[256] This amendment raised the tax rate from one and one-half to two per cent — which would seem to indicate that the city wished to increase its revenue and at the same time make the assessments by the assessor legal.

The Muscatine charter of 1851 limited the power usually granted to the assessor by providing that "the latest county assessment roll shall form the basis of the assessment, but

[254] *Laws of the Territory of Wisconsin*, 1836–1838, p. 483; *Laws of the Territory of Iowa*, 1839–1840, p. 93, 1840–1841, p. 35.

[255] *Laws of the Territory of Iowa*, 1839–1840, p. 160.

[256] *Laws of Iowa*, 1848–1849, p. 68.

the city assessor may add thereto any property omitted, assessing the same himself."[257] Similar provision was contained in the Lyons charter of 1855, but the word "county" was omitted.[258]

In the Mount Pleasant charter of 1856 the assessor was authorized to determine the value of property "either direct or by duplicate from the township assessment". He was permitted to add thereto any property omitted and also all additional taxable property. Furthermore, he was required to return the assessment roll to the city recorder.[259] In one instance the assessor was required to "make just and true assessment of the taxable property".[260] The city council of Council Bluffs was authorized to levy a tax on real estate and personal property within the city subject to county taxes, "including money at interest or on deposit, not exceeding five mills on the dollar". Furthermore, it was made the duty of the assessor before the first day of July in each year "to list and value all the taxable property above specified . . . . and he shall . . . . have all the power and authority conferred upon county assessors by law". "On the first Monday of July, he shall attend at some public place, to hear the complaints of any person concerning [considering] himself aggrieved by his assessment, and may, if he deems proper, correct the same. Immediately thereafter, he shall make his returns to the city council".[261] The council, however, was also given the power to correct and confirm the assessment roll — complete authority in the matter not being given to the assessor.

In one case the assessor was required to make the re-

[257] *Laws of Iowa,* 1850–1851, p. 66.

[258] *Laws of Iowa,* 1854–1855, p. 150.

[259] *Laws of Iowa,* 1856 (Extra Session), p. 24

[260] *Laws of Iowa,* 1856 (Extra Session), p. 35.

[261] *Laws of Iowa,* 1856–1857, pp. 116, 117.

turns of the taxable property in each ward separately in order to form a basis for appropriating money to be expended in each.[262] Special duties such as those just mentioned were the exception rather than the rule. Their enumeration hardly seems necessary since the council invariably had the power to prescribe the duties of the assessor.

XI

THE MARSHAL IN SPECIAL CHARTER CITIES

The marshal was usually elected by the qualified voters of the city, although during the early years of the period it was not uncommon for the council to appoint him as well as the other subordinate officers. His compensation was generally fixed at such sum as the council deemed necessary — a few charters requiring that his compensation should be the same as that of the township constable. The term of the marshal was one year, except in the Bloomfield charter of 1855.

The marshal was required to take an oath to faithfully perform the duties of his office, and in some cases he was required to take an oath to support the Constitution of the United States and of the State of Iowa and the laws enacted under them. His bond was to be in such sum and under such regulations as the council might prescribe. Furthermore, he was usually required to be a legal voter of the city. Vacancies in the office, as in the case of other subordinate officers, were usually filled by the council, although a few charters provided for special elections for that purpose.

The marshal was the peace officer of the city, being authorized to arrest all offenders against the ordinances or the peace of the citizens and perform such other duties as

[262] *Laws of Iowa*, 1856–1857, p. 149.

were imposed upon him by the council. Moreover, he was the executive officer of the mayor's court and was required to execute and return all processes directed to him by the mayor in the name of the mayor and aldermen.

Indeed, as an executive officer his duties were similar to those of a constable in a township, some of the charters providing that he should have the same power and be subject to the same regulations as constables. In other instances he was vested with the same rights within the city as the sheriff had in counties; and with the consent of the council he could appoint one or more deputies and require the aid of citizens in the performance of his duties.[263]

The Farmington charter of 1847 provided for a "city constable" who was given the same power and "duties within said city, as the constables in the different townships".[264] Similar provision was contained in the Keokuk charter of 1848, giving him the same power as constables over "matters of a criminal nature arising under any law of the State".[265] This charter was amended in 1851 with the provision that "in all suits and prosecutions before the mayor where the city of Keokuk is a party, the marshal of said city, or any constable of Jackson township, shall have power to serve subpoenas, or other process".[266] Dubuque's revised charter of 1857 made it the "duty of the city marshal to attend the meetings of the city council, to execute its orders, to arrest and bring before the proper court, with or without warrant, all whom he shall find in the actual violation of any ordinance, and to perform such

[263] *Laws of the Territory of Iowa*, 1839–1840, p. 160; *Laws of Iowa*, 1850–1851, pp. 62, 87, 1852–1853, pp. 102, 110, 1854–1855, pp. 100, 145, 1856 (Extra Session), p. 26, 1856–1857, pp. 154, 162, 182, 211, 221, 247, 294.

[264] *Laws of Iowa*, 1846–1847, p. 99.

[265] *Laws of Iowa*, 1848–1849, p. 27.

[266] *Laws of Iowa*, 1850–1851, p. 94.

other duties as may be devolved upon him by law or ordinance.''[267]

In a few instances the marshal was authorized and required to execute notices to elected persons — a duty which was usually performed by the recorder as clerk of elections. Moreover, one charter required the marshal to act as assessor and treasurer.[268]

Not only was the marshal in most instances the ministerial officer of the mayor's court, but he was also ex officio collector of the taxes of the corporation; and yet the office of collector was separately provided for in a few instances. The first charter granted to an Iowa municipality provided that ''the city marshal be ex-officio collector''.[269] But the second charter approved upon the same day provided that after the tax duplicates had been delivered to the marshal he should ''collect the same within such time and such manner as the ordinance shall direct. And the said collector shall have power to sell personal estate, and for the want thereof, to sell real estate, for the non-payment of taxes within said town, and in the case of real estate, the said collector shall prosecute the sale in the same manner . . . . as is provided by law for the sale of real estate by sheriffs''.[270]

Before collecting taxes by sale of property the marshal was usually required to give notice of the assessment of the tax. Such regulations varied in the charters as to the period of such notification but the general provision may be illustrated by the following quotation from the Keokuk charter of 1847:

> No real estate shall be sold for the non-payment of such taxes,

[267] *Laws of Iowa*, 1856–1857, p. 351.

[268] *Laws of Iowa*, 1848 (Extra Session), p. 66.

[269] *Laws of the Territory of Wisconsin*, 1836–1838, p. 474.

[270] *Laws of the Territory of Wisconsin*, 1836–1838, p. 484.

unless the assessment of such tax or taxes shall have been duly notified by publication for at least six consecutive weeks before the day when the said taxes are payable, in some newspaper published in said city, or by notice posted for the same length of time in some public place in each ward thereof, nor unless the intended sale of such real estate shall have been notified in the same manner and for the same length of time prior to such sale.[271]

The marshal was usually required to make a personal demand of every resident charged with a tax, and if the taxes were not paid within a certain specified time, the property of such delinquents could be sold; and he was required to give "to each purchaser at such sale a certificate, containing the number of the lot . . . . the price paid therefor, and the day of sale, and at the expiration of the time hereinafter limited for the redemption thereof";[272] and if the same was not redeemed, the marshal (sometimes the mayor) would issue a deed to the purchaser. The period of redemption was usually two years, and the rate of interest charged by the corporation varied from ten to fifty per cent — the latter rate being the one usually charged. The sales were to be conducted as at a public auction and the marshal was authorized to sell the property to the bidder who would take the least quantity of land in order to satisfy the taxes and cost of the sale.

In addition to the foregoing powers the marshal was in many instances authorized to summon a jury of disinterested freeholders, varying in number from three to twelve, for the purpose of ascertaining the value of property taken by the city and determining damages arising from the changes made in the grade of streets.[273]

[271] *Laws of Iowa,* 1846–1847, pp. 158, 159.

[272] *Laws of Iowa,* 1848 (Extra Session), p. 69.

[273] *Laws of the Territory of Iowa,* 1838–1839, p. 250, 1839–1840, p. 94, 1840–1841, pp. 35, 98, 1841–1842, p. 15; *Laws of Iowa,* 1856–1857, p. 251.

XII

THE STREET COMMISSIONER IN SPECIAL CHARTER CITIES

The street commissioner, or road overseer or supervisor as he was sometimes called, was usually chosen by the city council, although in a few instances he was elected by the qualified voters.[274] The term of the commissioner was not to exceed one year and the council was authorized to prescribe the term and to require his resignation at any time.

The qualifications, compensation, bond, and oath of the commissioners — there were often two — were prescribed by the council. Vacancies in the office were filled by appointments of the council. Indeed, the street commissioner was completely under the control and subject to the regulations of the city council.

The charters usually gave the street commissioners authority to supervise the work which was done upon the streets and roads within the district. Moreover, all money appropriated for the repair and grading of streets was to be expended under his supervision, subject to such regulations as the council saw fit to impose — some charters requiring him to report whenever in the opinion of the council it was deemed expedient.

As a rule the duties of the commissioner were not specifically enumerated by the charters — only general provisions being set forth. The council was authorized to require any duties not inconsistent with the laws of the State. In a few instances the street commissioner was authorized to "act as though appointed by the county commissioners."[275]

[274] *Laws of the Territory of Wisconsin*, 1836–1838, p. 471; *Laws of Iowa*, 1854–1855, p. 29, 1856–1857, pp. 419, 425.

[275] *Laws of the Territory of Iowa*, 1838–1839, p. 268, 1841–1842, pp. 46, 79; *Laws of Iowa*, 1848 (Extra Session), p. 70.

The Keokuk charter of 1847 required the road overseer to "collect a road tax from all inhabitants of the said city liable to work upon the roads, in the same manner as is now provided by law for supervisors of road districts in the several townships."[276] An amendment of the Fort Madison charter enacted in 1851 provided that the "supervisor shall be responsible to the authorities . . . . in the same manner that supervisors of townships are responsible".[277]

In one instance the supervisor's usual powers were limited by the provision that he "shall not have the disposal of any funds raised or appropriated by the city council, and shall in no way interfere with the grade of streets, or with any drains, culverts, bridges, side-walks, pavements or sewers established by the council, and shall, when repairing or working upon any streets where a grade has been established, conform to and expend the labor as far as possible, in accordance with such grade."[278]

In general, however, the street commissioner was given control over the streets and alleys of the municipal corporation and all roads leading therefrom for a distance of from one to two miles. In fact, his duties were not unlike those of the road overseer in the townships, although the city council was usually given complete supervisory power over his actions.

XIII

THE CITY ATTORNEY IN SPECIAL CHARTER CITIES

In only about four or five of the charters was provision made for a city attorney, or solicitor or prosecutor as he was sometimes called. The Burlington charter of 1838, enacted by the Territorial legislature of Wisconsin, pro-

[276] *Laws of Iowa,* 1846–1847, p. 159; also *Laws of Iowa,* 1852–1853, p. 138.

[277] *Laws of Iowa,* 1850–1851, p. 167.

[278] *Laws of Iowa,* 1856–1857, p. 186.

vided that "the common council shall appoint a city solicitor, whose duty it shall be to prosecute in behalf of said city, and who shall from time to time be allowed such compensation for his services as the common council shall deem just and proper."[279]

While the Fort Madison charter of the same year, approved on the same day as that of Burlington, contained no specific provision for an attorney, it did allow the council to "provide in said ordinances for the election of . . . . other subordinate officers, which may be thought necessary, for the good government and well being of said town". Furthermore, the council was authorized "to prescribe their duties, declare qualifications, and determine the period of their appointment, and the fees they shall be entitled to receive for their services, and to require of them to take an oath or affirmation, faithfully and impartially to discharge the duties of their respective offices, and may require of them such security, for the performance of the duties of their respective offices, as shall be thought necessary."[280] Provisions of this character were contained in most of the charters of the period, in accordance with which a city attorney could have been appointed for any of the special charter cities.

The next charter in which specific provision was made for a city attorney was that granted to Fort Madison in 1848. Section twenty-three provided that "the mayor and aldermen shall have authority to appoint an attorney for the prosecution and defense of suits in the corporation name, but in the prosecution of suits for breaches of, and penalties accruing under the town ordinances, he shall be entitled to no fee or fees, except such as he may by ordinance be entitled to recover of the defendant upon his con-

[279] *Laws of the Territory of Wisconsin*, 1836–1838, p. 474.

[280] *Laws of the Territory of Wisconsin*, 1836–1838, p. 483.

viction."[281] In the following year the Fort Madison charter was amended so as to provide that the "prosecuting attorney, shall be allowed the same fees as . . . . prosecuting attorneys for the counties are allowed for similar services, to be taxed in no case when the mayor and aldermen are plaintiffs against the corporation."[282]

From 1845 until 1855 none of the charters specifically authorized the election or appointment of an attorney; but in 1855 the Bloomfield charter — the briefest one enacted during the period — provided that "in order to carry out the regulations and enforce the ordinances of said town, the Councilmen may appoint a Prosecutor for the town, or employ one at their own discretion."[283] This charter was amended in the following year at the extra session of the legislature. Section three of the act authorized the council to "appoint a Prosecuting Attorney for said town, and pay him from the Treasury of the corporation such sum as may be reasonable."[284]

The revised charter of Dubuque of 1857 also provided for a city attorney who was to be elected by the qualified voters of the city for a period of one year and until a successor was elected and qualified. He, as well as all city officers, was required to "take an oath or affirmation to support the constitution of the United States and of the State of Iowa, and faithfully and impartially to perform the duties of the offices to which they may be elected or appointed, and when required by the council shall . . . . give bonds". Furthermore, he was required to be a citizen of the State and a qualified voter of the city. A vacancy

[281] *Laws of Iowa,* 1848 (Extra Session), pp. 71, 72.

[282] *Laws of Iowa,* 1848–1849, p. 137.

[283] *Laws of Iowa,* 1854–1855, p. 10.

[284] *Laws of Iowa,* 1856 (Extra Session), p. 52.

in the office was to be filled by the council until the next regular election.[285]

The charter further provided that "it shall be the duty of the city attorney to appear for the city in the city court and all other courts; to take charge of the legal business of the city; to give his written opinion whenever called upon by the city council; to give legal advice to all officers of the city, and to perform such other duties as may be devolved upon him by law or ordinance."[286]

XIV

THE OTHER SUBORDINATE OFFICERS IN SPECIAL CHARTER CITIES

The charters usually provided for the election or appointment of other subordinate officers, who were in most instances not specifically named. In general the duties, fees, period of appointment, qualifications, bond, and oath of such officers were subject to the regulations of the council.

The first charter containing provisions for such officers was the one granted in 1838 to Fort Madison. Here the council was authorized to provide by ordinance "for the election of . . . . other subordinate officers, which may be thought necessary, for the good government and well being of said town; to prescribe their duties, declare qualifications, and determine the period of their appointment, and the fees they shall be entitled to receive for their services, and to require of them to take an oath or affirmation, faithfully and impartially to discharge the duties of their respective offices, and may require of them such security, for the performance of the duties of their respective offices, as shall be thought necessary."[287]

[285] *Laws of Iowa*, 1856–1857, pp. 344, 345, 346.

[286] *Laws of Iowa*, 1856–1857, pp. 351, 352.

[287] *Laws of the Territory of Wisconsin*, 1836–1838, p. 483.

The Muscatine charter of 1851 permitted the council "to appoint in such manner as it determines and during pleasure, one or more street commissioners, a clerk of the market, city surveyor, health officers and such other officers as it deems advisable, and may prescribe their duties, powers and qualifications, and may provide for the election of any of those officers by the citizens."[288] Similar provision was contained in most of the charters granted during the later years of the period, although in a few instances all officers were made elective.

Several charters provided for a wharf-master. This was an elective officer and subject to the same regulations and qualifications as the other more important elective officers.[289] His duties were not enumerated in the charters, which made it necessary for him to be subject to such regulations, not inconsistent with the laws of the State, as the council deemed necessary to prescribe.

In the 1856 amendment to the Cedar Rapids charter provision was made for city supervisors. Just what the nature of these officers was is not clear. The section containing this provision is almost identical with that of the Muscatine charter mentioned above — with the exception that the words "city supervisors" are substituted for "city surveyor".[290] The Sioux City charter of 1857 contained a similar provision — only one supervisor being authorized.[291] In the Des Moines charter of the same year this officer was designated as a "city engineer".[292]

[288] *Laws of Iowa,* 1850–1851, p. 64.

[289] *Laws of Iowa,* 1850–1851, p. 60, 1854–1855, p. 143, 1856–1857, pp. 134, 361.

[290] *Laws of Iowa,* 1856 (Extra Session), p. 35; see also *Laws of Iowa,* 1856–1857, p. 317.

[291] *Laws of Iowa,* 1856–1857, p. 55.

[292] *Laws of Iowa,* 1856–1857, p. 284.

XV

THE JUDICIARY IN SPECIAL CHARTER CITIES

The special charter cities as corporations had the "power to sue and be sued, plead and be impleaded"; and they were authorized to pass ordinances and to enforce obedience to them by the levy of fines and forfeitures. In order to effectually carry out these powers courts were established in most of the cities, and these tribunals were usually presided over by the mayor or a justice of the peace.

THE JUDICIAL FUNCTIONS OF THE MAYOR

The first instrument to authorize the mayor to exercise judicial functions was the Farmington charter of 1847, which provided that "the mayor shall be *ex officio* a conservator of the peace throughout the city; he shall have the powers and jurisdiction vested in justices of the peace, in matters of a criminal nature, and shall receive the same fees as . . . . justices of the peace for like services".[293] The Keokuk charter of 1848 permitted the mayor "to issue all needful process to arrest any offenders against the criminal laws of the State, and shall proceed to try said person or persons by the same rules that govern justices of the peace." This charter further provided "that all trials for the violation of the by-laws, ordinances and regulations, shall be in a summary manner, and that no person shall for any offence, be deprived of his or her liberty, or be fined in any sum not less than one, nor more than fifty dollars, unless convicted by a jury of six citizens of said city qualified to vote".[294]

In the Muscatine charter of 1851 the mayor was vested with "exclusive original jurisdiction of cases arising under

[293] *Laws of Iowa*, 1846–1847, p. 97.

[294] *Laws of Iowa*, 1848–1849, p. 27.

the ordinances of the city; with criminal jurisdiction of offences against the laws of the state committed within the city, and with civil jurisdiction limited to the city, in the same manner as that of justices is or may be limited to their townships". Furthermore, it was provided that "appeals to the district court in the same county shall be allowed from the judgment and decisions of the Mayor in the same cases, time and manner as they are at the time allowed by law from those of other justices, and they shall be tried in the same manner."[295]

Similar provision was also incorporated in the Iowa City charter of 1851;[296] but the amendment granted in the same year to the Keokuk charter provided that "in the trial of causes before the mayor of said city, it shall not be necessary to impanel a jury, unless it shall be demanded by one of the parties to such suit, before it is submitted to the mayor." The act further provided that "when imprisonment shall constitute a portion or all the punishment of offenders against the by-laws and ordinances of said city, such offenders on conviction, may be committed to the city calaboose or county jail at the discretion of the mayor".[297]

In 1851 a new charter was enacted for the city of Davenport the provisions of which relative to the judicial functions of the mayor were as follows:

> He shall by virtue of his office be a justice of the peace for said city . . . . and shall have power and authority to administer oaths, issue writs and processes under the seal of the city, to take depositions, the acknowledgments of deeds, mortgages and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law, he shall have exclusive jurisdiction in all cases arising under the ordinances of the cor-

[295] *Laws of Iowa*, 1850–1851, p. 61.

[296] *Laws of Iowa*, 1850–1851, p. 86.

[297] *Laws of Iowa*, 1850–1851, p. 94.

poration, and concurrent jurisdiction with all other justices of the peace in all civil and criminal cases within the county of Scott, arising under the laws of the state; and shall receive the same fees, and compensation, for his services in similar cases. He shall also have such jurisdiction as may be vested in him by ordinance of the city in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health, quarantine ordinances and regulations thereof and the protection of cemeteries or grave yards and enclosures.

Provision was also made in this charter for a bond, and for the removal of the mayor upon the recommendation of the jury if convicted of "palpable omission of duty, or shall willfully and corruptly be guilty of oppression, mal-conduct or partiality, in the discharge of the duties of his office". The mayor could be fined, if convicted, a sum not exceeding two hundred dollars.[298]

The Keosauqua charter of 1851 further provided that "the same right of appeal or writ of certiorari from the judgment of said mayor in civil cases, shall be allowed as is now or hereafter may be authorized by law from the judgment of justices of the peace within this State".[299] Two years later the Keokuk charter was amended providing that "persons charged with public offences before the said mayor, shall have the same rights and remedies as they are entitled to by law in criminal proceedings before justices of the peace."[300]

In a few instances the mayor was given "exclusive jurisdiction over all crimes committed in the corporate limits of said town, which have heretofore been punishable before Justices of the Peace".[301] A jury of six citizens qualified to vote was usually necessary in order to levy a fine of more

[298] *Laws of Iowa*, 1850–1851, pp. 120, 121.

[299] *Laws of Iowa*, 1850–1851, p. 147.

[300] *Laws of Iowa*, 1852–1853, p. 136.

[301] See *Laws of Iowa*, 1854–1855, p. 9, 1856–1857, p. 361.

than fifty or one hundred dollars. Change of venue from the mayor's court to the courts of justices of the peace was allowed and specifically provided for in at least one instance.[302] Furthermore, almost every charter provided that the mayor should not be disqualified from acting in his "judicial capacity by any proceedings being in the name or in behalf of the city."

THE RECORDER'S COURT

A recorder's court was established in the city of Keokuk in 1856. The recorder, who presided over this court, was to be elected by the qualified voters of the city for a period of two years. Furthermore, he was required to take the usual oath of office and to furnish a bond of one thousand dollars to be approved by the mayor and also a bond to be approved by the county judge. His compensation was to be the same as allowed justices of the peace for similar services and "such additional compensation as the City Council shall from time to time, by ordinance determine; but said compensation shall not be increased or diminished, so as to affect the person then in office, during the term for which he is elected."

The act provided that this court "shall have within said City of Keokuk, all the jurisdiction, both civil and criminal, with the rights, powers and authority of a Justice of the Peace, and all the judicial authority, rights and powers now by law or by city ordinance vested in the Mayor of said City; and that after the said Recorder shall be elected and qualified as hereafter directed, the Mayor of the said city shall exercise no judicial functions whatever, but shall be the executive officer of said city, and as such shall have the right to remit fines and pardon offences committed against the municipal ordinances and regulations of said city."[303]

[302] *Laws of Iowa,* 1856 (Extra Session), pp. 51, 52, 1856–1857, p. 109.

[303] *Laws of Iowa,* 1856 (Extra Session), pp. 43, 44.

A similar provision was also incorporated in the Council Bluffs charter of 1857.[304]

THE CITY COURT

The revised charter enacted in 1857 for the city of Dubuque provided for a city court. The detailed provisions of the act relative to this institution are as follows:

SEC. 28. There shall be and is hereby established in the city of Dubuque a court, to be denominated the city court; which court shall be a court of record and have a seal, and the officers thereof shall be a judge, clerk, and the city marshal. Said court shall hold a session every day during the year, except Sundays, the fourth of July, Thanksgiving day, Christmas day and New Year's day; but its session shall be divided into monthly terms, commencing on the first Monday of each month. It shall be held at some suitable place to be provided by the city council.

SEC. 29. The judge of the city court shall be elected at the annual election in said city for city officers, and shall hold his office for a term of four years; he shall be a qualified elector of said city, and learned in the law; he shall take and subscribe in writing the same oath required by the judges of the supreme and district courts, and file the same with the recorder, and shall likewise be commissioned by the mayor. His salary shall be fixed by the city council, and shall not exceed fifteen hundred dollars per annum, payable out of the city treasury.

SEC. 30. The clerk of said court shall be elected at the annual election; shall be a qualified voter of said city and shall hold his office for the term of two years; he shall give bond to the city of Dubuque in the sum of five thousand dollars, with a condition in substance the same as required by law of the clerk of the district court, and on the back thereof shall subscribe the same oath, required of the clerk of the district court. His salary shall be fixed by the city council, and shall not exceed one thousand dollars per annum payable out of the city treasury.

SEC. 31. The powers, duties and responsibilities of the judge, clerk and marshal in said court, shall correspond to those of the

[304] *Laws of Iowa*, 1856–1857, p. 114.

judge, clerk and sheriff in the district court, and the authority of the process of said court shall have the same extent and limitation as that of the district court, and may be served by the city marshal or by any sheriff; but the marshal shall not have power to serve process, other than subpoenas, beyond the limits of said city.

SEC. 32. Said court shall have jurisdiction of all offences and suits under city ordinances, and shall have general jurisdiction concurrent with the district court in all civil cases, and shall have concurrent jurisdiction with justices of the peace in all criminal cases. In civil cases the defendant must reside, or if a non-resident of the State, must be found in the city of Dubuque, or in cases of attachment of property where the defendant is not served, or in cases where the suit is brought to obtain possession of personal property, or to enforce a lien or mortgage, or when it relates to real property, such property or some part thereof must lie in said city, or some part of the personal property must be found therein; when by its terms a contract is to be performed in the city of Dubuque, suit for the breach thereof may be brought in said court. Suit may be brought in divorce cases in said court, if the plaintiff resides in said city. Appeal from the city court lies directly to the supreme court of the State of Iowa.

SEC. 33. The rules and regulations of law which govern the district court, shall govern the city court as far as applicable. In order to provide juries for said court, the clerk thereof, at least ten days prior to the commencement of each term, shall issue a venire to the marshal, who shall, within five days thereafter, summon twenty-four jurors, qualified electors of said city, and otherwise qualified to serve as jurors in the courts of this State, to appear in said court on the second day of the next term thereof. The jurors summoned for any term may be dismissed as soon as the docket of jury cases for that term is disposed of; and if a jury shall afterwards be required to try any cause coming before the court for such term, a special venire shall issue. If a jury cannot be obtained otherwise, talismen may be summoned by the marshal from the city or the bystanders. If any juror fail to appear in obedience to summons, he may be brought into court by attachment, and if he fail to show reasonable excuse, he may be fined as for contempt, in any sum not more than ten dollars and costs. No man shall be required to serve as regular juror at more than one term in

any one year. When a jury is demanded, a jury fee of three dollars shall be taxed among the costs.

SEC. 34. Actions for the violation of city ordinances shall be brought in the name of the State of Iowa, for the use of the city of Dubuque. The proceeding shall be by information sworn to, which shall be filed with the clerk of the city court, or with any justice of the peace having his office within said city, whereupon said clerk or justice of the peace shall issue a warrant for the apprehension of the accused. But the city council may by ordinance provide that certain designated officers may arrest any person actually found violating any ordinance, and commit them for trial without warrant; the trial shall be in a summary manner, and without the intervention of a jury, unless demanded by the defendant.

SEC. 35. The fees in the city court shall be the same as in the district court, and the same, and all fines and forfeitures shall be accounted for by the clerk of said court to the city of Dubuque, and shall be paid into the city treasury as often as the city council may direct. The fees of the marshal and other officers serving the process and executing the orders of said court, belong and are payable to the officers serving the same.

SEC. 36. In case of the absence or disability of the city judge, the criminal business pending in the city court shall be transferred to some justice of the peace having jurisdiction of the subject matter, by a delivery to him of all papers relating to the same, who shall proceed to dispose of the same as if the prosecution had originally commenced before him; and all civil business shall be continued as in like cases in the district court.[305]

XVI

SPECIAL CHARTERS AND THE GENERAL INCORPORATION ACT OF 1858 — A COMPARISON

The general incorporation act for cities and towns enacted in 1858 — the year following the adoption of the present Constitution which prohibited the special incorporation of municipalities by legislative act — contained one hundred and thirteen sections, covering forty-seven

[305] *Laws of Iowa*, 1856–1857, pp. 355–357.

pages in the printed statutes. This law is by far the most detailed and comprehensive act relative to cities and towns ever enacted in Iowa.[306]

Elections under the general act, instead of being held at any time as under the special charters, were to occur on the first Monday in March of each year. These elections were to be conducted and regulated in a manner similar to other elections for State and county purposes — a provision not unlike that contained in most of the charters. Special elections were to be held for filling vacancies in the council and in some of the other important offices.

Municipal offices under the general act varied but little from those provided for under special charters. The mayor was in both cases the chief executive officer. The number of councilmen varied in the different classes of cities, while under the special charters the number ranged from three to fourteen. The general law also provided for cities of the first and second class such officers as an auditor, city engineer, police judge, and city attorney — officers which by a few of the special charters were authorized for some of the larger cities. The term of officers was usually one year under the charters, but under the general act the term was two years for the most important positions.

The powers granted to municipalities by the general act were very similar to those conferred upon special charter cities. Power was granted to pass ordinances and by-laws for the preservation and promotion of the safety, health, prosperity, order, comfort, and convenience of the citizens and for the improvement of the morals of the community and its inhabitants. Regulations for the prevention and removal of nuisances, the control of slaughter-houses, burial of the dead, and the filling and draining of low-lying lots were authorized. Extensive licensing power was also

[306] *Laws of Iowa*, 1858, pp. 343–390.

granted. Furthermore, cities were permitted to pave, clean, repair, and light the streets and to furnish water and sewer facilities. The organization of fire companies — their support and regulation — was also authorized. The council was allowed to provide penalties for the breach of the peace, but such penalties were limited to one hundred dollars or thirty days in jail.

One of the most important differences between the provisions of the general act of 1858 and those of the special charters was in the restrictions placed upon the taxing and borrowing power. The general act limited the rate of taxation to ten mills on the dollar and an additional one mill tax for the creation of a sinking fund for the gradual extinguishment of the bonds or funded debts of the corporation; while under the charters the rate was generally much higher, being two per cent in some instances.[307]

The borrowing power of municipalities under the general act was limited to four per cent of the value of the taxable property; while under the charters the limit was relatively much higher, since even very small towns were permitted to contract debts in a lump sum without reference to the value of the property of the corporation.[308] Charles City was at one time authorized to issue bonds to the amount of two hundred and fifty thousand dollars and Dubuque to the amount of five hundred thousand dollars for the purpose of subscribing to the capital stock of railway companies.

Another difference between the general law and the charters is seen in the collection of municipal taxes. In the former the county treasurer was the collector; while in the latter the city collector, who was usually the marshal, collected all the taxes due the corporation and paid them into the city treasury.[309] Again, the general act did not provide

[307] *Laws of Iowa*, 1858, pp. 384, 385.

[308] *Laws of Iowa*, 1858, p. 385.

[309] *Laws of Iowa*, 1858, p. 385.

for the regulation or support of public schools as did many of the special charters — particularly after 1846.

Section 111 of the general act provided a means whereby the people of any municipal corporation could amend their charter or act of incorporation.[310] Thus after the adoption of the general law municipalities were in this particular more free from legislative control than they were under the special charter regime.

In conclusion it may be said that the general incorporation act did not materially add anything to the government of cities and towns which had not already been granted to some of the municipalities under the charters. On the other hand, the liberality of the general act encouraged its acceptance within a comparatively few years by most of the special charter cities. It is evident, however, that some of those municipalities, whose charters were particularly liberal and satisfactory to the inhabitants, would not adopt the general act as long as the necessity for the change was not imminent.

XVII

A GENERAL SUMMARY

During the period from 1836 to 1858 there were sixty special charters granted to forty cities and towns of Iowa. The first two charters were enacted by the Territorial legislature of Wisconsin for the towns of Burlington and Fort Madison. During the Iowa Territorial period, 1838-1846, there were fourteen charters granted by the Legislative Assembly; while during the remainder of the period, 1846-1858, forty-four municipal charters were voted by the General Assembly.

Many cities and towns received more than one charter. Of the forty municipalities receiving special charters, twen-

[310] *Laws of Iowa*, 1858, p. 390.

ty-seven received but one, eight received two, three received three, and two received four charters. Furthermore, there were about ninety amendments enacted by the legislature remedying defects which arose in the actual administration of the charters or granting additional powers. In addition to these amendments there were a great number of special acts passed relative to cities and towns — acts changing the name of the town, vacating town plats, and legalizing acts.

The amount of special legislation seemed to increase with each successive legislature from 1836 to 1846. The last session of the legislature in which special laws could be enacted — just previous to the adoption of the present Constitution — was the most prolific in the granting of special charters. During this session, 1856-1857, there were enacted sixteen municipal charters and about forty special laws relative to particular cities and towns. Indeed, about two hundred and sixty pages of the four hundred and seventy pages of the laws for that session are filled with special legislation for particular municipalities.

It appears that there was little if any attempt to limit the granting of special charters to towns because of the lack of population. But in general it seems that the municipalities which were granted charters were among the important ones of that time, in location if not always in population. The important cities and towns of Iowa during the early years were to be found, for the most part, along the rivers. This is but another illustration of the tendency of peoples everywhere — inland settlements being of a later development. Indeed, twenty-four of the forty special charter cities were located upon rivers, several of which were navigable in the early days. More than half of these towns were upon the banks of the Mississippi River. Moreover, the special charter cities were grouped in the southeastern part of the State.

The population of these river towns grew rapidly and perplexing questions arose relative to the control of docks, ferries, ships, shipping, vending, and traffic which must be governed and controlled by municipal authorities. Thus arose a need for a more flexible form of city government than was provided by the general incorporation acts of the period. These matters were of local importance only, and the enactment of special charters and special legislation was considered as the easiest, if not the only method of settling them.

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APPENDIX

REFERENCES TO SPECIAL CHARTERS FOR IOWA TOWNS

ALBIA, Monroe County: *Laws of Iowa,* 1856–1857, p. 208.

BELLEVUE, Jackson County: *Laws of Iowa,* 1850–1851, p. 206.

BLOOMFIELD, Davis County: *Laws of Iowa,* 1854–1855, p. 9.

BLOOMINGTON (now Muscatine), Muscatine County: *Laws of the Territory of Iowa,* 1838–1839, p. 248; *Laws of Iowa,* 1850–1851, p. 59.

BURLINGTON, Des Moines County: *Laws of the Territory of Wisconsin,* 1836–1838, p. 470; *Laws of the Territory of Iowa,* 1845, p. 73.

BURRIS CITY, Louisa County: *Laws of Iowa,* 1856–1857, p. 313.

CAMANCHE, Clinton County: *Laws of Iowa,* 1856–1857, p. 359.

CEDAR RAPIDS, Linn County: *Laws of Iowa,* 1848–1849, p. 116; *Laws of Iowa,* 1856 (Extra Session), p. 29.

CENTERVILLE, Appanoose County: *Laws of Iowa,* 1856–1857, p. 107.

CHARLES CITY, Floyd County: *Laws of Iowa,* 1856–1857, p. 325.

CLINTON, Clinton County: *Laws of Iowa,* 1856–1857, p. 132.

COUNCIL BLUFFS, Pottawattamie County: *Laws of Iowa,* 1852–1853, p. 108.

DAVENPORT, Scott County: *Laws of the Territory of Iowa,* 1838–1839, p. 265; *Laws of the Territory of Iowa,* 1841–1842, p. 41; *Laws of Iowa,* 1850–1851, p. 110.

DES MOINES, Polk County: *Laws of Iowa,* 1852–1853, p. 49; *Laws of Iowa,* 1856–1857, p. 281.

DUBUQUE, Dubuque County: *Laws of the Territory of Iowa,* 1839–1840, p. 124; *Laws of the Territory of Iowa,* 1845–1846, p. 114; *Laws of Iowa,* 1846–1847, p. 104; *Laws of Iowa,* 1856–1857, p. 343.

EDDYVILLE, Wapello County: *Laws of Iowa,* 1856–1857, p. 245.

FAIRFIELD, Jefferson County: *Laws of Iowa,* 1846–1847, p. 49.

FARMINGTON, Van Buren County: *Laws of the Territory of Iowa,* 1840–1841, p. 33; *Laws of Iowa,* 1846–1847, p. 95.

FORT MADISON, Lee County: *Laws of the Territory of Wisconsin,* 1836–1838, p. 481; *Laws of the Territory of Iowa,* 1841–1842, p. 74; *Laws of Iowa,* 1848 (Extra Session), p. 64.

GLENWOOD, Mills County: *Laws of Iowa,* 1856–1857, p. 33.

GUTTENBERG, Clayton County: *Laws of Iowa,* 1850–1851, p. 100.

IOWA CITY, Johnson County: *Laws of the Territory of Iowa,* 1840–1841, p. 97; *Laws of Iowa,* 1850–1851, p. 84; *Laws of Iowa,* 1852–1853, p. 99.

KEOKUK, Lee County: *Laws of Iowa,* 1846–1847, p. 154; *Laws of Iowa,* 1848–1849, p. 18.

KEOSAUQUA, Van Buren County: *Laws of the Territory of Iowa,* 1841–1842, p. 107; *Laws of Iowa,* 1850–1851, p. 142.

KNOXVILLE, Marion County: *Laws of Iowa,* 1854–1855, p. 97.

LE CLAIRE, Scott County: *Laws of Iowa,* 1854–1855, p. 20.

LYONS, Clinton County: *Laws of Iowa,* 1854–1855, p. 142.

MAQUOKETA, Jackson County: *Laws of Iowa,* 1856–1857, p. 176.

MOUNT PLEASANT, Henry County: *Laws of the Territory of Iowa,* 1841–1842, p. 14; *Laws of Iowa,* 1850–1851, p. 195; *Laws of Iowa,* 1854–1855, p. 136; *Laws of Iowa,* 1856 (Extra Session), p. 18.

NASHVILLE, Lee County: *Laws of the Territory of Iowa,* 1840–1841, p. 88.

NEWTON, Jasper County: *Laws of Iowa,* 1856–1857, p. 143.

OSKALOOSA, Mahaska County: *Laws of Iowa,* 1854–1855, p. 123.

OTTUMWA, Wapello County: *Laws of Iowa,* 1856 (Extra Session), p. 63.

PRINCETON, Scott County: *Laws of Iowa,* 1856–1857, p. 416.

SALEM, Henry County: *Laws of the Territory of Iowa,* 1839–1840, p. 72; *Laws of Iowa,* 1854–1855, p. 162.

SIOUX CITY, Woodbury County: *Laws of Iowa,* 1856–1857, p. 51.

TIPTON, Cedar County: *Laws of Iowa,* 1856–1857, p. 159.

WAPELLO, Louisa County: *Laws of Iowa,* 1856 (Extra Session), p. 52.

WASHINGTON, Washington County: *Laws of Iowa,* 1856–1857, p. 219.

WINTERSET, Madison County: *Laws of Iowa,* 1856–1857, p. 41.

REFERENCES TO AMENDMENTS TO THE SPECIAL CHARTERS

BLOOMFIELD, Davis County: *Laws of Iowa,* 1856 (Extra Session), p. 51, 1856–1857, p. 67.

BLOOMINGTON (now Muscatine), Muscatine County: *Laws of the Territory of Iowa,* 1840–1841, p. 13, 1841–1842, p. 120, 1845–1846, p. 61; *Laws of Iowa,* 1848 (Extra Session), p. 37, 1848–1849, p. 68, 1852–1853, p. 137, 1854–1855, p. 76, 1856 (Extra Session), p. 49, 1856–1857, pp. 24, 149.

BURLINGTON, Des Moines County: *Laws of the Territory of Iowa,* 1838–1839, p. 71, 1840–1841, p. 86; *Laws of Iowa,* 1846–1847, p. 91, 1848 (Extra Session), p. 17, 1848–1849, pp. 33, 146, 1850–1851, p. 80, 1852–1853, p. 84, 1854–1855, pp. 56, 211, 1856–1857, pp. 128, 240, 261.

COUNCIL BLUFFS, Pottawattamie County: *Laws of Iowa,* 1854–1855, p. 3, 1856–1857, pp. 112, 270.

DAVENPORT, Scott County: *Laws of the Territory of Iowa,* 1843–1844, p. 149; *Laws of Iowa,* 1846–1847, p. 88, 1848–1849, p. 44, 1852–1853, p. 117, 1854–1855, p. 83, 1856–1857, p. 92.

DUBUQUE, Dubuque County: *Laws of the Territory of Iowa,* 1840–1841, p. 11, 1842–1843, p. 27; *Laws of Iowa,* 1848 (Extra Session), p. 74, 1850–1851, pp. 46, 142, 1852–1853, p. 89, 1854–1855, pp. 15, 175, 1856–1857, pp. 270, 339.

FAIRFIELD, Jefferson County: *Laws of Iowa,* 1848 (Extra Session), p. 26, 1850–1851, p. 107, 1856–1857, p. 28.

FARMINGTON, Van Buren County: *Laws of the Territory of Iowa,* 1842–1843, p. 23, 1843–1844, p. 113; *Laws of Iowa,* 1848 (Extra Session), p. 9, 1850–1851, p. 177.

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IOWA CITY, Johnson County: *Laws of the Territory of Iowa,* 1843–1844, p. 158; *Laws of Iowa,* 1854–1855, p. 179, 1856 (Extra Session), p. 61, 1856–1857, p. 435.

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KEOSAUQUA, Van Buren County: *Laws of the Territory of Iowa,* 1842–1843, p. 44, 1845–1846, p. 102.

LYONS, Clinton County: *Laws of Iowa,* 1856 (Extra Session), p. 62, 1856–1857, p. 65.

MOUNT PLEASANT, Henry County: *Laws of the Territory of Iowa,* 1842–1843, p. 32, 1843–1844, p. 103; *Laws of Iowa,* 1852–1853, p. 39, 1856–1857, p. 201.

OSKALOOSA, Mahaska County: *Laws of Iowa,* 1856–1857, p. 60.

OTTUMWA, Wapello County: *Laws of Iowa,* 1856–1857, p. 85.

SALEM, Henry County: *Laws of the Territory of Iowa,* 1842–1843, p. 40; *Laws of Iowa,* 1854–1855, p. 162.

WAPELLO, Louisa County: *Laws of Iowa,* 1856–1857, p. 71.

NORTHWESTERN IOWA IN 1855

[The following account of experiences in northwestern Iowa in the summer of 1855 was written in its present form about fifteen years ago by J. L. Ingalsbe, a pioneer surveyor, and is printed here with almost no editorial modification. Attention is called in the footnotes to an occasional confusion, by the writer, of certain individuals and events, due to the lapse of fifty years between the incidents and their final narration. These errors, however, do not destroy the value of the narrative, which presents a clear picture of the experiences of an early surveying party, and reflects the uncertain and perilous condition of the northwestern border throughout the fifties.— JOHN C. PARISH]

On the 25th of April, 1855, I was one of a party of surveyors starting from the City of Dubuque, Iowa, for the northwestern part of the State, at that time a territory nearly one hundred miles square, almost an unknown country save to hunters, trappers and nomadic Indians.

We numbered I think sixteen men, two "gangs" of six men each, with extra men in case of sickness or disability.

One party was led by Williamson G. Allen of Prairie P. O. Lewis Co., Missouri and the other by myself. Four years previously Warner Lewis Surveyor Gen'l. of Iowa and Minnesota had sent out a strong party under Alexander Anderson of Dubuque, one of his best surveyors to prosecute the townshipping of this region. They were unfortunately surrounded by a prairie fire and burned out, teams, wagons, camp equipage, provisions, field notes and records of survey. Charles Lewis the General's son lost his life, some of the men escaped to Sioux City, then only a small collection of shanties. I think it was never known how many lived or died, or to whence they scattered.[1]

[1] Warner Lewis was not Surveyor General in 1851 but took that office, for the district of Wisconsin and Iowa, in 1853. The Territory of Minnesota was at that time included in the above land district. The report of George B. Sargent,

At the time of which I write Anderson was living in Dubuque, his face badly scarred, one or both ears I think burned off and I understood that no communication passed between him and Mr. Lewis, the General blaming him for the death of his son. We had orders to trace surrounding or adjacent surveys, learn the location and extent of deficiencies, repair damages and carry on the survey so far as we chose or the seasons should allow. We traveled slowly with loaded teams passing through Anamosa, Cedar Rapids, Marengo, Newton, Des Moines and Adel, then pushed northward to our work.

Des Moines contained only a few rude soldier's barracks, deserted and rotting, surrounded by a few cabins occupied by settlers. A miserable old scow capable of floating only one team, afforded us the only means of passage. After passing Adel we saw no settlers, but I think we heard the name of Panora, and that there were settlers well up on Coon River.

I was attacked with fever soon after leaving Dubuque and lay helpless in a "Prairie Schooner" drawn by oxen, and could barely walk when we reached the beginning point of our work, three weeks later. Our method was nothing more or less than to find a well marked township corner and from this trace previous markings so far as any could be discovered and then proceed with new work. One pleasant afternoon in June while engaged in the search for evidences of the previous survey, I halted on a bit of high rolling prairie and while waiting the arrival of my chainmen that I might make record of the topography, I was

Surveyor General for Wisconsin and Iowa in 1851, mentions surveying work in progress in northwestern Iowa and lists Alexander Anderson as holding a contract during that summer for a survey of township lines which was not completed at the time of the report.— *Senate Documents*, 1st Session, 32nd Congress, No. 1, Part III, pp. 72, 81. None of the reports, however, for the years from 1850 to 1855 mention the catastrophe which Ingalsbe describes.

carefully leveling and adjusting my solar instrument and sighting back along the trailing party as they were strung out possibly nearly a mile. I felt something under my feet which upon examination proved to be a handful of iron tally pins used by surveyors. Further search revealed the chain with the remainder of the pins near the other end. Here then must be where the party were burned. From the position of the chain they had been going in the same direction we were and we were not more than ten or twelve feet off their course. We found no other relics of the camp or equipage, and at the close of the seasons work we returned the chain and pins to Gen'l Lewis at Dubuque. I am aware that usually it is not well to anticipate or depart from the chronological order in narration but in this case I may be allowed to state that during the next year while engaged in surveys on the head of either the Mermaton or the Little Osage Rivers in Kansas, I met a settler who was one of the unfortunate party and I learned that he escaped to the Missouri river but never returned to Iowa. He gave me quite a full account of the affair up to the time of the fire. He told me that there was a boy with them and that when too late to start a back fire for safety, they found themselves surrounded by the smoke and flames he threw the boy on the back of a pony and saw the pony run into a swampy low place and falling, the boy went over his head and the man thought possibly both might have survived.

As to himself the man gave me no particulars save that he came through alive and appeared quite unwilling to speak of the matter at all. As to the Iowa survey. We continued our work making good progress for several weeks averaging thirty miles a day usually, although about the third week the men began to suffer from what was called "splint" an inflamation of the cartilages of the ankles. I think I was the only man of the party who failed to give

up, but there were a number of days on which I was very lame. It seemed to me that I could actually hear the cords of my ankles "squeak" as I walked and to catch ones toe under a bit of tangling grass was absolute torture. Even the leader of the other gang a fiery little red haired Missourian but with "grit" sufficient for two big men, had to ride in one of the wagons for a week. We knew that the Indians beyond the Missouri were growing troublesome but to what extent we did not know. Coming out by the southern route we did not pass through Fort Dodge, which was the only military post in that region.

Being in the service of the Government we were entitled to military protection if needed, but in ordinary movements then, infantry would not average over twelve miles per day, and that by no means answered our purpose. Major Webster commandant of the fort sent word to us that if we met with hostiles he would protect us, and he had at least a small force of cavalry.[2] One day I ran my party through Old Wabasha's band moving on their summer hunt. He was I believe friendly to the whites but "Red Wing" beyond the Missouri was hostile. Wabasha was at that time said to be past eighty years of age and was the only Indian I ever met for whom I had any respect. Gray Eagle a young buck attached to the band and aspiring to the leadership I sized up as likely to cause trouble presently. During the interview with Wabasha an old squaw stole a ham bone from one of the wagons and started off with it concealed under her blanket. Detected by one of the men, the matter was reported as I stood talking with the old chief. He at

[2] There is no Major Webster who can be identified with Fort Dodge. Very probably the writer had in mind Major William Williams. Fort Dodge, as a government post, had been abandoned in 1853, but the sutler, William Williams, had remained at the fort and in the troublous summer of 1855 was acting, under authority of Governor Grimes, as an agent for the organization of defense against the Indians. It was he who, as Major, headed the relief expedition after the Spirit Lake Massacre of 1857.

once had the culprit brought before him and taking the fag end of a rawhide lariat he gave her a genuine flogging. The old fellow swung that rawhide with the skill and vigor of a Mexican mule driver, bringing the dust out of the dirty old blanket in fine style, and finally sending the offender back to replace the purloined soup bone. In doing so she dextrously slipped an entire ham beneath her clothing and again started off. I caught the eye of the cook by a warning shake of the head, adding "sotto-voce" "Not a word — Not a word". "If he sends her back again who knows but she will pack off team, wagon and the entire outfit". I have never been fully clear in my own opinion of that transaction. The thrashing was genuine without doubt, but whether a large well cured ham might or might not be in that market considered legal tender for such a "walloping" and entitle the old chief to a finger in the toast, I am not certain.

We were pushing on north and west entirely beyond any communication with civilization and possibly a week after the events mentioned a solitary Indian came to me as I was swinging on ahead of my chainmen at what was called the "Surveyor's lope" and partly in mixed English and Indian and partly by expressive pantomine he endeavored to turn me back. He would point eastward "Good-Good-Much Good", pointing west "Bad-Bad-big Bad" making motions as if to push me back. Failing to arrest our advance he finally sat down by one of our monuments and remained motionless as the post by which he sat until we lost sight of him in the distance. I will here state that an Indian hates a surveyor worse than he does a settler or even a soldier. When the surveyor has passed over the land measuring it off into parcels guided by his shining instruments, setting his monuments at the intersections of his trails the Indian feels a superstitious dread to step inside those bounds.

The figures and letters on the posts and surrounding trees, the chisseling on the stone, the hasty notes and scrawling diagrams made by the surveyor and then stuffed into his field wallet form a combination which the imagination of the Indian magnifies into some misterious "bad medicine" whose ills he must not dare to invoke. At the time of the occurrence I had no reason to suppose this Indian to have any other motive than his own unwillingness to abandon his hunting ground.

Readers who shall choose to follow up this narrative can judge for themselves. Toward the latter part of June we found our stock of provisions growing short, in some of the essentials and as we were continually pushing farther from any source of supply "Uncle Jack" Parker contractor on this job, decided that teams must go out to Fort Dodge for supplies. On the 20th. or 21st. of June I came in from the east setting corners on the north bounds of what is now Buena Vista Co and set a township monument between the towns Barnes, Douglass, Herdland & Lee, as now designated, finishing as the sun dropped below the western horizon.[3] Our camp was then on the southerly bank of the Inyan Yankey, near the township line striking this corner. At that time in all that region if any timber existed it would only be on the eastern or southerly side of water, so in this case our tents and wagons were close by this little stream for the concealment afforded by the strip of low timber protected by the stream from the western fires. At daylight on the next morning Mr. Parker decided that he with assistants and teams must start out for more supplies. The distance to the Fort [Fort Dodge], our nearest point, was said to be by the trail over seventy-five miles. He wished to keep one gang at work and this would leave but one man

[3] The townships of Barnes and Lee are in Buena Vista County and the townships of Douglas and Herdland are in Clay County.

to guard and watch the camp with its store tents, implements and records. No one seemed willing to stay. My crew pulled the most chain in a day and he prefered that I keep in the field, but finally turned to me, "Well Captain, I am not anxious for the job, but I'll stay if you say so". Our tents were quite well concealed in the low timber and there was to be no noise or smoke, no stirring out in daylight, or anything to attract notice. The Captain wanted my rifle, he had been shooting elk with it and had become attached to it. It was a big muzzle loading gain twist built specially for me by Nelson Lewis of No. 50 Congress St. Troy, N. Y. I do not remember the guage of the bore, but the barrel was thirty-two inches in length and weighed ten lbs. by itself. On the plains it was called "Old knock 'em down". After all were started I should be alone for a week probably. It was well known that the Indians were growing hostile and that lawless bands were roaming about and with the stores in our tents a life would not be safe if discovered, even by Indians professedly friendly. I had abundant time in which to work out several difficult problems in our work, consult logarithms cotangents &c., as I had no interruptions save by "Sport" a Spanish bird dog and he must be kept mostly muzzled for silence. I have never known mosquitoes so persistent and troublesome as at that time, I could not sleep. Build a smoke of willow bark in the tent and drive them out and when almost suffocated I lay with my head close to the bottom of the tent and raised it ever so little, a stream of the wretches would pour in destroying all effect of the fumigation. I think it was on the night of the 28th. that desperate from the torment and loss of sleep I resolved to go out to the higher ground where there might be sufficient wind to drive away the troublesome creatures. An old panther with I think, a couple of cubs had been squalling around for a night or two, attracted

doubtless by the scent of our meat, and when I was ready to start I called Sport as I thought that laying by me, he would give the alarm if she came too near us. I found that he would not leave the tent. Taking with me a double barrelled shot gun belonging to one of the men, and well charged with buckshot, I buttoned the tent and started off in a southerly direction for higher ground. Presently I left the mosquitoes behind and as I stumbled about in the darkness I happened on a flat rock, laid down and was soon asleep. Wakening somewhat before daylight I went back to the tents and found all in good order save a very badly scared dog.

A panther is a very cautious animal, suspicious of all new arrangements, but I had no intention to sleep on that rock the second night. This day was rainy and soon after noon the surveying party came in and owing to the violence of the storm we did not attempt any cooking. When the afternoon had nearly passed, the rain became less violent and about this time a party of Indians were seen coming down the creek, how many we did not determine. Several came into our tents rummaging over our provisions chopping open a lot of cans of various articles, drank a jug of vinegar and were angry because it was not whiskey. Finding a whet stone they sharpened their knives. One appeared to be in authority having on the uniform of a soldier and finding the fowling piece, pretended to wish to buy it, and asked of me the privilege of trying it. Getting no permission from me he persisted and got leave from some one or took it without any one's consent and fired it at a target. As the darkness came on he ordered our cooks to build a fire and give him and his comrads something to eat, I ordered them not to start any fire and we had nothing cooked. I had noticed that the gun had been thrown down beneath blankets, sacks of flour and other storage and although I was sus-

picious of treachery I did not deem it best to manifest the fact. My revolver was in my belt and I stepped out and filled the empty chambers. Presently at a signal from the chief the Indians giving their characteristic yell, sprang on their ponies and started for our teams which were hobbled and grazing perhaps fifty yards away, down the stream. Scarcely a minute elapsed before the Indians were firing into our teams, but I had started nearly as soon as they and was running with my colts pistol in my hand. Allen came running behind me and caught my hand in the endeavor to wrest the pistol from me. I held on saying "You won't hit them from here in the darkness" "Wait let's run right among them". He insisted and knowing that in the struggle neither of us would effect anything I let go my grasp and continued running. I had no weapon but a Bowie knife, but I was fairly raving. I was in no humor to use a pistol, it seemed too tame a weapon. I wanted to grapple with the villains, the idea of an ancient battle axe flashed across my mind. I wanted to see the blood run and hear the bones crack. Allen was behind blazing away, the balls singing by me as I ran, and as I was nearly among them the Indians having I suppose emptied their guns, scampered away across the creek and over the bluffs beyond. We returned to the camp and found the men badly frightened. We held a hurried consultation and as we had only the shotgun, my revolver and a couple of axes for weapons, for I think eight men, I proposed that two of us should start at once for help. All agreed to this as the best plan, but no one wished to go. "Well, I proposed the trip, if no one else will go I will" "The messenger will be taken first no doubt". I wished if I left that Allen should remain so I selected Gus Carter a Kentuckyian, a strong active fellow able I thought to endure more than I could, and he had more experience than I. We had eaten nothing since morning and we took a

slice of raw pork and a bit of bread as large as one's hand and our blankets. As we started some of the men were sniveling "Never shall get out of here" "All be killed &c."

I took my revolver from my belt handing it to Allen saying "Its a good one Bill, if you don't return it, sell it for all you can". I thought there was a damp streak down his cheek but in the darkness I might have been mistaken.

He looked steadily at me for a minute and then it was "Jim-in-y Christopher", spoken slowly sylable by sylable at first, but at the end explosively. I think this was his only profanity for all occasions. As we reached the level prairie I noticed carefully the bearing of the wind and took my course as I expected to find a surveying gang at some point eighteen or more miles away, depending upon what part of their work they might chance now to be. I think it must have been in the region of Clear Lake, at least, I do not think we crossed the Cedar in our search for them. As we proceeded I halted in every low place and looked back. Rain was still falling and when the sky was lighted by flashes I could discern objects along the horizon distinctly. We had traveled possibly five miles when I thought I discovered moving objects following our trail. Waiting for a succeeding flash I was sure of it, "Gus, there are certainly two of the devils after us" "Now if I had my revolver I don't believe both of us would go on foot to Fort Dodge" "But what shall we do" "I don't know" "You don't know"? "Well then I do" "Come on". Turning square off to the right we ran perhaps a half mile. I directed Carter not to come in my trail, but some distance at one side and finally we lay down. Indian ponies will follow a recent trail through grass and weeds nearly as well as dogs, because the entanglements being separated the traveling is easier. In the darkness and rain cowering low to the earth I made a solemn promise to myself that come what might,

never again would I be caught in such case destitute of means of defense. I kept that promise, but how little we sometimes know what is best for us may appear presently. We remained quiet for some time and then resumed our course as nearly as I could judge in the darkness. Presently we detected a dark streak through the grass and feeling carefully with my hands I found that something had passed along toward our right. "Very well we will lay down again, they will not look for us here". After a time we started on again, finding another trail leading toward our left, we stopped again but finally got apparently beyond their search. We traveled on in the darkness, no star by which to guide our course, uncertain of the passage of time and I dared not light a match to see my watch. I had been traveling with the wind on my right cheek, and I was now growing suspicious. "Carter do you notice this wind growing colder?" "No I guess not" "Well, I do, I think the wind is turning to come from the north and if we continue to guide by it we shall go back among those scoundrels". We then lay down and I watched till I could see the light growing in the east and then traveled on. I thought once after daylight that I saw riders at a distance but it might have been elk as they were then plenty in all that territory. In the course of the forenoon we found work done by the party for whom we were searching, following it up we found their camping ground vacant, evidently abandoned. We found no signs of violence and whether they had been driven off or had left of their own accord we never knew. With no food we could scarcely hope to reach Fort Dodge alive. The chances of meeting parties of land or game hunters at this season of the year were too remote to be considered and to follow the trail of this surveying party would be folly, for either homebound or fleeing they would be light loaded and out travel us in our weakened condition. There

were at this time of course no maps of this region save those drawn by guess, and they were poor things for starving men to depend upon. I had traversed the township in which Storm Lake lay and two ranges east and four west of it, and given the lake its present name and it seems must have recorded the topography of the tributaries of Coon River, but did not know to what stream they belonged. I had heard that there were settlers well up on that river, and believed that to strike south-west, find and follow down it, was our best course. We traveled hard all that day in the rain reaching what we supposed to be Coon River, followed it down, and when too dark to travel well we went into the bottom land that bordered the stream and with our knives cut grass, spreading it on the ground, then spreading our blankets upon it, piled on more grass and finally crawled between the blankets, having traveled according to the marked corners passed, sixty-five miles since daylight in the morning. When I awoke the sun was shining brightly, Sabbath morning July 1st., 1855.

I dreaded to stir for I knew that with exercise our hunger would be almost unbearable. Presently Carter awoke and rising we commenced to shake the water from our steaming blankets. Roused by the noise a small herd of elk sprang up less than a hundred yards from us and raced away across the prairie toward the east. With our sodden shoes on, chafed and bleeding feet, we strapped our heavy blankets across our shoulders and started on. Happening upon some half grown sand hill cranes, Carter cut a handful of clubs and vainly tried to kill one. With a pin for a hook, fastened to a strip of willow bark by ravelings from my clothing I sought with like success to catch fish from the stream. "Hold on Gus. Hold on, that's no use. Only tiring ourselves out. Its just go out or die, that's all there is of it, Come on". Toward noon Carter became exhausted,

lost both reason and courage, lay down, threw away his shoes because they hurt his feet, declared he might as well die there as anywhere, &c., &c. I tied on his shoes and pestered him to make him angry and chase me, but even this failed of effect. Wildly muttering in disjointed senseless speech, he sank in perfect collapse. Fearing his death at any moment I dragged him to a stunted oak standing alone not far away and after tying my blanket to an overhanging limb pushed on alone. Perhaps a couple of miles farther, I came upon quite an abrupt elevation affording a good view southward. Seating myself to rest and reconnoitre I soon discovered in the distance a cluster of specks, which certainly moved. Were they elk or horses or cattle? Did they belong to white people or were they Indian ponies? Watching intently I saw a smaller speck moving out from the edge of timber toward the herd, and holding my hands to shade my eyes from the strong sunlight I caught a bright flash. I sprang to my feet with the thought "Indians don't carry bright tin dishes". It was quite a distance down to the objects and time would be required for a trip down and back. Could I save Carter now? I went back to the oak tree much quicker than I came. He was sleeping but I roused him with "Come Gus brace up and come on. There's help ahead. We shall get out of this all right yet". He was stiff, sore and very weak, but said if he had a drink of water he might be able to go. I took his shoes and ran down to the stream bringing them filled with water, giving him a drink and bathing his face with the remainder I got him on his feet and with some assistance he staggered along for awhile and presently as he became limbered up went alone. We came upon a wagon trail, leading into the timber and following it soon discovered a cabin. A middle aged German woman was there alone. We told her we were hungry and she said her son was out hunting for deer, but

she was frying balls of corn meal dough from a large brown earthen pitcher in a kettle of hot deer's tallow. I ate for a few moments and became sensible that this was about the worst possible food for men in our condition and I stopped. The woman made us understand that about three miles below there was a setlement of several cabins. I gave her some silver coins which she unwillingly took and as Carter declared he would "eat what he wanted if it killed him" I said "Gus you fool, come out of here" In spite of his struggling resistance I hauled him through the low doorway and out to the wagon trail. "Now sir get on to your feet and come with me or I will thrash you within an inch of your life". The German woman meanwhile berating me evidently to the extent of her vocabulary both German and English. It was dark when I got him to the settlement where we found several families and a number of men. I wanted a horse to carry me to the fort, but they positively refused to allow me to proceed before I had at least one night's rest. I laid on a puncheon floor, slept a little. Some travelers came in bringing the tidings that Captain Parker with his teams had left the Fort Dodge trail some twenty-five or thirty mile back, and had gone north on that afternoon. A terrific thunderstorm burst over us about midnight and I lay wondering what might be the condition of my comrads at our camp. Soon after daylight I had hired a white horse and a good saddle and with a number of men, some mounted and some with wagons in one of which Carter rode, we were pushing northeast to find Parker. He had been a soldier in the Black Hawk War and at one time commandant at Fort Atkinson, Wisconsin,[4] and subsequently one of the first settlers at Dubuque. I

[4] Fort Atkinson was built in 1840 on the Turkey River in northeastern Iowa. It was garrisoned at one time by Company A, 1st Iowa Volunteer Dragoons, under command of Captain John Parker.— *Annals of Iowa* (Third Series), Vol. IV, pp. 449, 451.

am unable to recollect at what time we had struck his trail and overhauled him, but it was arranged that he with the help and arms they had, should make all possible haste to our camp and if the men were alive or still undisturbed he should maintain the defense until I could bring help from the fort, but if all was lost, or the opposition too strong he should fall back and meet me on my return. I wheeled off and started for Fort Dodge alone, striking the trail west of where it passed between the Twin Lakes and rode into the fort in the evening as the soldiers were having a bonfire and preparing to celebrate the fourth on the morrow. Major Webster[5] heard my report and at once issued orders and declared that he would have a hundred mounted men ready for a start at sunrise. Soon after midnight the Major roused me to say that he had learned that he had no authority to take troops so far from the fort. I suggested calling for volunteers. "No, he dared not spare them". "Then furnish me what arms I can carry with which to arm our own men". He would not even do that. If I ever abused a man by language I did then and if I did not abuse him it was because I was not competent and failed of my intention. I wonder I was not put in the guard house, I certainly deserved it, and I could only account for the failure by surmising that somebody felt guilty and considered that I told the truth, and from some manifestations among the soldiers I suspected it might have been a difficult job to do. Obtaining writing materials I wrote a letter to a brother in Cleveland, Ohio, and he indiscreetly handed it to the Editor of the "Plaindealer". It was published and that copy of the paper must of a certainty have established its right to the title. I saddled my horse and started back reaching the Coon cabins at night. I think that must have been what is now "Sac City" and was said

[5] See footnote 2 above.

to be sixty miles from the fort. If so the trail must have been indirect. I passed that night in a settler's cabin standing a short distance west of a log bridge crossing the stream where the owners whose name I can not recollect and a young man from the east, a school teacher named Henry Evans were keeping bachelor's hall, and in the morning Evans started with me northward, no tidings having arrived from there. Now following the township line I had previously run and after darkness had set in and we were within three or four miles of the end of our journey we came upon the trail of several wagons going in a southerly direction. What should this signify? Had Capt. Parker abandoned the camp and was he steering toward Storm Lake and were we missing the connection? After a short deliberation I said to Evans "We are now so near the camp that we can learn the state of affairs there and if necessary get out before daylight, while if this trail is not that of our people, we shall be loosing valuable time by following it now. Let us push on". When we had passed on some distance I heard a bell away off diagonally on our right. "That's our bell as sure as fate, but what is it attached to and why is it there, where there is neither timber or water?" I decided to investigate the bell business at once. Proceeding in a direction to bring us nearly on a line between the bell and the point where I had left the camp, I directed Evans to lay down and covering him with one of my blankets which was white, that I might more readily find him I said to him "Now, if I am not back here in two hours, get out of here before daylight. Pull for Coon River, get into the timber and keep quiet till night and then work on down".

I could still hear the bell at intervals and started toward it. I made my approach with great caution peering into the darkness and listening intently for any indication of

either friends or foes, certainly supposing that I was crawling defenseless and alone into an Indian camp. Arriving nearer I could discern what appeared to be cattle, nearer still and I was quite certain that they were three of our oxen heads up and apparently wild as deer and I thought all hoppled. "Guess I had best not disturb them farther" "Somebody besides me may be watching also". No sight or sound indicated the presence of any living thing save the cattle. I was fairly puzzled and finally fearing that Evans might leave his place I drew off as silently as I had approached and finding him we started toward where I had left the camp. We soon came upon the trail made by the oxen and coming from the same direction in which we were going, and even in the dim light then approaching I could see that they had plunged along in struggling jumps despite their hopples. Coming from a southeastern direction in my anxiety I had left Evans some distance behind and as I reached a point from which I could overlook the little valley in which we had camped, a breeze which in that country frequently precedes the sun, was driving away the fog which had settled along the stream during the night and I recognized the place at once. There was the green grassy valley and the strip of timber only. I knew that the store tents if still there would not be visible from where I stood, but I had left some of our wagons in front, and where was Parker and his crowd? Had he been driven back and was it his trail I had struck last night? Worse than all as the fog passed off and the light became stronger I saw that the small trees standing near the spot were loaded and black with buzzards and what I had not before noticed there were great numbers of the odious birds floating in spiral circles as high as the eye could distinguish them. I hope in mercy never again to experience such moments. No language can approach a description of the anguish

and I shall not attempt it, nor do I after fifty years wish to rake it up.

"Whence comes this" "At whose door does this horrid goblin stand?" "Did I go wrong in my planning or have I failed in execution?"

I had gone beyond the realm of fear, hope, ambition, desire, or fear of consquences. One more duty only remains. I will know the fate of my comrads or leave my bones face forward on their trail. A rustling in the grass announced the approach of Evans and added more poignancy to my suffering. I regretted having brought him here. I desired no company. I wished to meet my fate alone. Without a turn, a look or any sign of recognition I started forward with a steady deliberate swing, looking neither to the right or left, in fact scarcely regarding anything, had a swarm of savages raised their yell from that strip of timber, I doubt if it would have changed my movements a particle. I had gone beyond all that. When I had passed possibly half way diagonally across the flat, there came the bark of a dog. It was Sport's yelp, and wheeling short toward the point from which the sound came, there were tents and wagons corraled on a bare smooth elevation back in a recess of the bluffs south of the stream and partly behind me on my left. Uncle Jack's tactics were visible in the little piles of dirt surrounding the camp, where he had caused the rifle pits to be dug. Probably I did not move a muscle, but it seemed to me that I had raised from the ground and was sailing through the air, as signaling to Evans to change his course I started straight for the new camp. Sport met me on the way almost overrunning me in his haste and as I was near the foot of the rising ground one of the tents was unbuttoned and Uncle Jack nearly "sans" everything but dragging his clothing behind him and kicking his shoes along the ground ahead, appeared

roaring "Hey — Hello here he comes. Roll out boys Roll out I knowed he'd fetch in an begad I telled ye so tew I did" Theer hain't redskins nuff on this yer hull damn perrary tew stop that thar critter, not by a doggoned sight, less so be they kill's im" &c., &c. Uncle Jack in his bluff hearty way was a staunch friend and a bitter enemy, and a treacherous act or a trespass was to him like a red rag to a mad bull, and when I recounted my experience with Major Webster the old war-horse was furious, but after awhile cooled down to this "Wall 'taint no great harm so fur anyhow" "Ye see when them varmints they sent arter you come in the next morning an didn't ketch ye, by goll the hull passel on 'em skedadled in a tarnal hurry". "Bill watched 'em with a glass an he says there was a bilin grist on 'em up the creek a piece, an the way they got out was a caution cuss 'em". We learned that the chief who came into our tents was Inkpaduta a vagabond leader of a band of renegades from several bands or tribes. He was the moving element in the massacre of a thousand whites at Spirit Lake, Minnesota in 1862 and only got his deserts after that.[6]

At the time of which I write Genl. Harney was on a campaign against the Sioux beyond the Missouri and Capt Pitcher was moving across Iowa with reinforcements for Harney. I never knew what route Capt. Pitcher took or how near he passed by us and I do not think he knew of our presence in the region nor do I know whether he visited or drew any forces from Fort Dodge. If so that might have been why Major Webster was so unwilling to afford us

[6] Here the writer has confused two incidents, the Spirit Lake Massacre which occurred in northern Iowa in 1857 and involved the killing of about forty whites, and the Outbreak of 1862 in southern Minnesota, in which over a thousand settlers were killed by the Sioux under Little Crow. Inkpaduta, who perpetrated the Spirit Lake Massacre, was never brought to punishment by the United States government.

help, but if Pitcher had been at the fort I should certainly have been informed of it when there. At all events it is evident that Inkpaduta had knowledge or strong suspicions of help coming, and knowing that we started hungry and without rations it is reasonable to suppose he feared we knew where it was, and deemed it best to get away quickly. I have aften wondered if Wabasha sent that Indian who warned me back. If so that Indian risked his life for had the Red Wing bands or Inkpaduta's cut throat gang known his errand he would have been scalped without mercy. It was during this campaign I think that Genl. Harney cornered an entire village of hostiles in a ravine at Ash Hollow and gave them such a trouncing practically wiping out the whole business, bucks, squaws and pappooses. Greeley through the Tribune rang the changes "brutal" "butchery" "merciless slaughter" "a disgrace to a civilized nation" &c., in his usual vigorous style. Harney had I think a couple of short brass mountain howitzers and I suppose his gunners did peel the turf from that ravine beautifully. Very few plainsmen have any sympathy for an Indian and I have sometimes thought that if Horace Greeley had enjoyed the means of information afforded by some of my experience with them, he would if not in the columns of his paper, possibly have occasionally in private conversation hurled anethemas in that squeaky falsetto equal to anything ever known in the private sanctum of The Tribune. Witness the recompense for the chivalry of Genl. Canby and his surgeon in the Modoc camp and fate of Meeker the N. C. M. of the Tribune, who gave up his life for his kindness to the White River wretches.[7] I have strayed too far and too long from the surveyors camp on

[7] General Edward R. S. Canby was killed in California, in 1873, by the Modoc Indians while in conference with them regarding a treaty of peace. N. C. Meeker, who had charge of the White River Agency in northwestern Colorado, was killed by the Utes in 1879.

the Inyan Yankey and will only add in extenuation that I lately stood reverently by a grave in the old cemetery in the rear of the brick house occupied in revolutionary times by Albert Baker in the village of Sandy Hill, Washington Co. N. Y. and read of a man whom I never saw

Major Matthew S. Pitcher U. S. A.
Died Sept. 17 1858. Ae. 48 yrs.

and the circumstance has stirred recollections long past but not forgotten.

We spent the day about the camp almost before we were aware of the passage of the time, and that night I slept as I never slept before. I was half reclining against a tent pole when I forgot all my troubles and was only aroused by the clatter of the cooks around the fire, at daylight on the next morning. Attempting to rise I found that my comrads had covered me with blankets sufficient to nearly smother me. On a second effort my stiffened limbs went groggy and I landed on one knee and one hand after a staggering plunge toward the entrance of the tent. All hands were at their breakfast and I was not observed and remained quiet.

Uncle Jack and Allen were presently heard talking and supposing me to be still sleeping they were complimenting me. I had already heard all I wanted of that and poking my head under the bottom of the tent called out, as though just awakened "Now Bill Allen tell me straight, were you popping at me the other night or at those damned Indians". Allen was on his feet instantly his red hairs bristling, every feature of his freckled face an interrogation point. "Why" Receiving no reply he pulled the blankets from over me, ran his hands over my arms, shoulders, and down to my feet, rolled me carefully over and finally set back on his heels as if waiting for an explanation "Well now I'll tell you Bill the fact is I've been knocking round pretty busily

for about a week, not paying much attention to myself and I have been thinking that if you were cracking away at me down there probably I am all right, but if you were gunning for Inkpaduta perhaps I had best institute an examination". The men over at the fire set up a roar. It required sometime for Uncle Jack to see the point, but when he got it fairly he laid back rolling his ponderous corporosity back and forth, kicking his short chubby legs in the air, till positively exhausted then getting his breath he would scream "Bill—Bill—Oh————Bill". Allen regarded me for an instant with an attempt at a grin and failing in that, tried to speak but could only stamp off among the wagons pretending to be in high dudgeon and muttering about making "sich a doggoned fuss". I never obtained any further information save what I have recounted. I was of the opinion at that time and am still that had the two or more Indians who were detailed to capture Carter and myself, succeeded or had we killed one or both of them, our whole party would have been cut off, but our escape put a new face on the matter, disconcerted their plan and lacking the desire for vengeance that would have been roused by a loss of some of their number they preferred to haul off and await a future chance for operating without so much uncertainty. I think an Indian of fifty years ago was much like a panther in one respect at least. If acting aggressively on his own motion he lies in ambush unknown to his prey, he can make one dash with great ferocity, if this fails or develops unknown difficulties he is "all abroad" almost never known to rally effectively. Latterly they have been learning from the whites, led by chiefs educated by our Government furnished by traders with better arms than our own soldiers, sometimes and results have been modified. We continued our work without any special annoyance from hostile Indians till we were within three townships of the north

boundary of the state. Our provisions were again nearly exhausted by reason of the number of men we had with us for several weeks after the outbreak and we deemed it best to work quite close together for greater safety, but this interfered seriously with the progress of our work and it was decided to close up for the season and we returned to Dubuque.

I doubt if those now living on the ground we traversed during that summer can realize its condition at that time.

We learned of no settlers north of the "Coon Settlements". When we returned we struck timber at the "Lizzard Forks" said to be twelve miles above Fort Dodge. There was a settler's cabin and a young man "batching it" and a bit of cultivation started. As we passed eastward I noticed one day a large train halted, perhaps one half mile south of the trail we were following, but paying no special attention to it we passed on, without stopping. Sometime previously I had been in Elyria, Ohio, and there became a member of "The Ohio Emmigration Association", a Committee from which were then in the west seeking a location, when each member must within a certain time, build and occupy a cabin on land assigned to him, &c., &c.,

I subsequently learned that the encampment mentioned was composed of the members of this Association and became what is now the City of Waterloo, Black Hawk Co. Iowa. The Secretary of the Association had lost all tidings of me and I had lost my inheritance. At that time, and I presume no essential change has since been made, the surveys of the public lands were let by contract at some price per mile, as agreed on. A contractor must produce a responsible party to go on his bond for double the amount of his contract, that the work shall be done correctly within the time specified, four per cent being kept back to pay an Inspector for passing over the work and report, before the contractor could draw his pay.

The regular charge paid by contractors for their outfit was then four per cent a month demanded by firms who furnished supplies to be paid for when the contractor received his pay from the Government.

Subdividing townships into sections might be done with a magnetic instrument but all beyond that must be done with a Solar instrument. Subdividing or sectionizing prairie was done at $3.00 per mile as the chain run. Townshippers received $4.00 for prairie and in more difficult country a higher rate in both cases. On standard parallels and meridians requiring greater skill and care $25.00 per mile was often paid. Standard parallels or correction lines were located twenty-four or more miles apart as circumstances might require.

One set of corners were marked on correction lines as much more than six miles apart as the meridians starting north from these corners would be less than six miles asunder on reaching the next correction line. Thus the towns and sections would contain as nearly as possible the requisite amount of land, owing to the convergency of meridians and the curvature of parallels.

The U. S. Deputy Surveyor should be competent to calculate these elements correctly at any point of his work. In one case a surveyor following alongside my work on closing up to the correction line and failing to strike the correction corners supposed himself to be in error, and as a last resort, measured across from my corners and thus located his own, manifestly wrong for in so doing he disregarded the convergency of meridians entirely. In each Surveyor General's office there was always kept a standard measure of length which at sixty degrees of temperature was precisely of the proper length and every surveyor on going out on a contract must have all his chains agree with this standard and he must keep one measure

not used, and must adjust on each morning all chains employed on the survey noting the amount of correction needed on each day's work. A U. S. Dept. Surveyor is a confidential Agent of our Government who is sent to pass over territory acquired by treaty, purchase or otherwise, to define and locate its boundaries, extent and capabilities, prizing it in three qualities, mapping and taking notes of soil, minerals, timber, streams, locations for water power, bridges, &c., in fact bringing in the first definite information received of the new territory. All surveyors chains were of iron wire with the ends of links and the connecting rings simply bent around and these links and rings by reason of the constant pulling were continually opening, rendering the chain too long. The links at each end of the chain had from one to two inches of thread cut on the wire and the brass handles could be screwed up to that extent, and when the thread had all been used in bringing the chain to the proper length we must then drive the wire through the handle to shorten the chain and bend the wire to hold it there. When farther shortening was required we would with a tally pin pry open and take out a ring. These operations soon destroyed the accuracy of our chains by rendering the terminal links too short and created a fruitful source of error. I wrote to my friends W. M. & L. E. Gurley of Troy N. Y. requesting them to make for me a chain of light steel wire with all bends and rings flattened instead of round form and all joints brazed. They made be a chain of No. 10 steel wire which was much lighter and stronger than the old style of chain. I afterward had them make me a chain in the same style of steel wire No. 14 and those chains are now correct after so many years of use, and are without doubt the original chains of that style.

We frequently employed two sets of chainmen on difficult or important surveys starting one chain in advance and

the other following but starting from a point not the same as that from which the first chain was started and known only by the surveyor himself.

Solar instruments were then made only I think by William S. Young of Philadelphia and Burt & Bailey of Detroit, Michigan, with plain open sights. A St. Louis Instrument maker named Nutz made at least one with two telescopes end for end, one above the other and collimated in the same plane. I went to his shop, did not like the instrument and coming east I brought a new Solar of the usual form direct from the works of Burt & Bailey, took it to the Gurley's at Troy N. Y. and designed and superintended the construction of the first telescopic Solar Transit and wrote the instructions for its use as printed for years in their Manual.

Northwestern Iowa was then and had been a favorite hunting ground for the Indian tribes of the western territories. I had seen a band of mounted braves start out in the morning and at a distance not to alarm the game, surround a herd of elk, then gradually closing up from all directions, one rider would dash at full speed in chase of the flying herd, which as it approached the surrounding circle of guards would be turned back, a fresh rider and pony pursuing the chase, in a couple of hours or more the whole band of Indians could ride among the exhausted game and cut their throats without leaving their seats on their also exhausted ponies.

Then the lazy hunters would lay down and the squaws must move the village with its tent poles, skin coverings, papooses and dogs to the vicinity, skin, dress and prepare the meat, collect wood or buffalo chips, rosin weed or some combustible, for fuel, provide for a gluttinous carouse for their brutal lords, till the place became too offensive for even an Indian to endure it, when after starving for several days they would repeat the foray in some other locality.

Horses and mules hate the smell of an Indian as much as they do that of a bear, and if a village was at any time on the move between us and the wind, our teams would not fail to notify us by their uneasiness. If any reader not disposed to credit my written testimony, can imagine an old decayed buffalo skin, wet and dried a hundred times accentuated by other odors likely to be acquired by years of use under such circumstances, then multiply the result by the several hundred in the fragrant procession, the final result may possibly indicate an antidote to "Hiawatha" or "Ramona".

At some time during that summer it became necessary for us to communicate with another party at quite a distance across country, and taking a saddle horse I set out one morning for the trip. Anticipating a full days ride I was going at only a fair gait, being quite too experienced a horseman to crowd my mount so early in the day, when with an audible snap something struck the leather cover of one of my stirrups. My horse sprang as though from the stroke of a whip, and rounding up to look back I saw the head of a large snake waving back and forth over the grass. Almost spontaneously my revolver came out of its holster, but my horse was dancing, pawing and snorting in such terror that I could get no chance for a shot. There was nothing save large rosin weeds to tie to, I dared not trust to my picket pin, and the best I could do was to face about at a distance and shove my horse straight ahead with the spur till he was raising to bolt, when shoving the snaffle rein savagely across his neck to the right, thus bringing his head sharply round to the left, I upset his calculations leaving him for an instant, balancing on his hind feet which gave me my only chance for a quick shot. I repeated this maneuver till presently at the crack of the pistol the villainous head lopped and there was what looked like a very

large animated corkscrew rolling about in the grass and a very badly frightened horse bounding in rabbit like jumps to get away from the spot. I have no definite idea of the size of my game but it must be quite a snake that can rap his jaws on a horseman's stirrup.

As soon as I could quiet my horse sufficiently for the purpose I hauled up and filled I think four chambers of my revolver then with a look at my watch and a glance at the sun, I was casting about to determine my course, thinking "Well — quite a circus" "Yes, and now I think of it — I wonder what about the spectators".

I knew that roving bands of Indians were liable to appear at any time or place and that riding as I had been, not rapidly and continually in one direction, in plain sight at least on each roll of prairie passed, I was liable to be flanked on one or both sides by an enemy knowing each sag in the surface, each strip of high reedy grass, and the distance direction, entrance and outlet of every ravine. Short deliberation decided like this--"Lucky for me the fool killer is not on hand this morning, but if I'm followed I will try and pull some of them up in sight, even if I run into a hornests nest doing it."

I started at a sharp gallop nearly at an angle of ninety degrees from my former course and almost opposite to the route I intended to pursue. Riding thus for possibly a mile a low vista opened before me, ending not far off in a steep gully bordered on each side by stunted oak trees and hazel bushes. I dashed into the head of this and wheeling short about rode carefully back till by rising in the stirrups I could just overlook the surrounding prairie and shoving the rim of my hat between my thigh and saddle I sat still, save rising quite often to watch. A raven soon flew past and alighting on a dead branch behind me and well down the ravine commenced his signal croak at regular intervals.

I wanted no better watcher on that side. For a time I saw nothing stirring in my front but presently I detected flocks of birds rising from the prairie, nearly in the direction I intended to go. Watching closely I could see something on the ground, coming nearly toward me and the birds were continually flying to each side of it, and soon a large wolf, loped past the entrance of my ravine and on the brink of the bluff, halted and turning about seated himself on his haunches scanning the route by which he came.

I thought now if my horse will only keep quiet I will watch this exhibition awhile for my own information. That is a timber wolf a regular old gray back and he knows his business. He has not run far for he has now closed his mouth and stopped lolling. He does not like the bright sunshine and he was not routed up from the hot dry prairie. He was lying shaded by the bushes at the head of some valley like this, watching for game that might be passing in or out.

It was not hunters or trappers that drove him out for none would be here at this season of the year, and if they were, he would only trot off a short distance and lay down and watch them. He was hustled out so quickly that he has not fully made up his mind what it was that scared him and he is now trying to study it out.

Discovering no farther manifestations, I started out swerving temporarily from my course in order to follow somewhat near the route by which the wolf had come I soon came upon another valley quite similar to the one I had left and it seemed to lead in about the same direction. Not stopping to look for trails, I swung off to my former course with the thought "Yes, sir,—Yes, sir, exactly". I had it right the first time trying". "A small party of Indians saw me fooling with that confounded snake, and when I started on another track in such haste they rushed

down this valley to head me off where the valleys come together". "Well if they stay there till I come they will need their supper."

I have no doubt they found my trail and whether or how far they followed it I never learned, but if they had continued to where I drove my picket pin at dark, they would have found the latter part of that trail quite too hot for their comfort, unless in greater numbers than I conjectured.

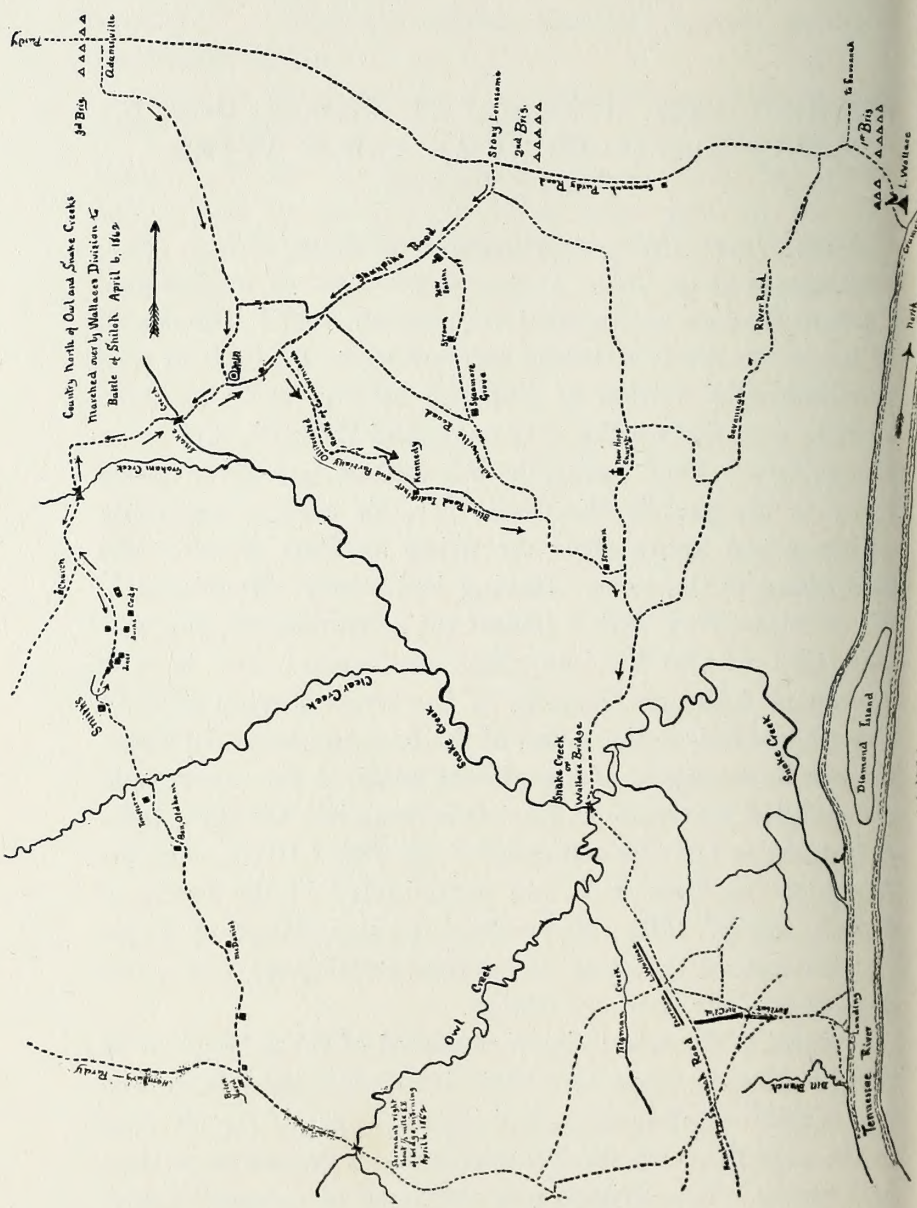
J. L. INGALSBE

GENERAL LEW. WALLACE AT SHILOH: HOW HE WAS CONVINCED OF AN ERROR AFTER FORTY YEARS

A very interesting autobiography of General Lew. Wallace appeared in 1906. It was a posthumous publication, General Wallace having died in February, 1905.[1] The sketch of his early life is not only interesting in itself, it is also entertainingly written so that the reader wants to know what is recorded on the next page, and the next, and so on indefinitely. Very naturally the author has given much space to his part in the Civil War, his service beginning within a few hours after the firing on Fort Sumter and continuing to the close. Having had a brief experience in the Mexican War with a lieutenant's commission, the way was open to him for immediate preferment, and he was appointed Adjutant General, by Governor Morton of Indiana, almost before the sound of the first gun had died away. He was in command of a regiment within a few weeks, and commanded a brigade at Fort Donelson, in February, 1862. A few weeks later he commanded the Third Division in the Army of the Tennessee and participated in the battle of Shiloh, April 7, 1862. He received the commission of Major General before the close of his thirty-fifth year and a few days before the battle of Shiloh.

General Wallace's division consisted of three brigades of three regiments each, two batteries of five guns each, and two squadrons of cavalry, and it was a part of the advance in the expedition up the Tennessee under command of General Smith. The division was stationed at Crump's Land-

[1] *Lew Wallace: An Autobiography.* New York: Harper and Brothers. 1906.



MAP SHOWING GENERAL LEW. WALLACE'S MARCH TO THE BATTLE OF SHILOH

ing, six miles below Pittsburg Landing, on the west side of the river. Soon after landing at Crump's, Wallace sent his second brigade west on the Purdy road to Stony Lonesome, and his third brigade to Adamsville, still farther west on the same road and five miles from Crump's Landing, all within easy marching distance of Pittsburg Landing, by the most direct road. Receiving orders from General Grant at 11:30 o'clock to march to the battle field, the march began from Stony Lonesome, according to Wallace, at precisely noon, over the Shunpike road toward the crossing of Owl Creek, near the right of the army as it was at the opening of the battle. The third brigade moved out from Adamsville a little later and joined the column on the march. Unfortunately, Wallace had chosen the longer road to the field. In his autobiography he writes: "The going was swift and without incident. Past the old overshot mill, past Snake Creek, past Clear Creek, and no enemy — not a shot. . . . . The last file of the rear-guard had put Clear Creek behind it, and the guard itself was stepping long and fast. One o'clock and thirty minutes by the watch".[2]

About a half hour later — "A few minutes after two o'clock", to quote again — Wallace was overtaken by a third courier. At this point the column was halted and began the counter-march for Pittsburg Landing by the River Road and Wallace's Bridge over Snake Creek. The third brigade from Adamsville fell in behind the second after the counter-march began, according to Wallace himself, so that his rear-guard could not have "put Clear Creek behind it" at "one o'clock and thirty minutes by the watch". It was at least four miles away. The head of the column even had not crossed Clear Creek, which Wallace had mistaken for Owl Creek, which was still four miles ahead, when the counter-march began. So much was Wallace out of correct

[2] *Lew Wallace: An Autobiography*, Vol. I, p. 465.

reckoning. And this is the more strange because, only a few days before, "Somewhere in the last week of March", in company with Major Hayes and his company of cavalry, he had ridden over the entire road from Stony Lonesome to Pittsburg Landing and back.[3]

Evidently General Wallace wrote the account of the march from Stony Lonesome to the field of battle, and of other events connected therewith, long after the events, trusting to memory. Though never doubting the accuracy of his memory, he seems to have thought it worth while to verify his recollections, before the publication of his autobiography, by visiting and going over the grounds where the events occurred so many years before. So, in November, 1901, General Wallace, in company with several friends, visited the Shiloh Field, for the purpose of verifying his recollections and, presumably, for the purpose of correcting errors due to a treacherous memory. The General was convinced of some errors, but he forgot to tell about it in his autobiography.

Major D. W. Reed, then Secretary and Historian of the Shiloh Military Park Commission, in a letter to the writer, gives an account of that visit and describes in detail the careful survey made by the General and his friends, in company with the Secretary-Historian, in passing over every foot of the line of march from Stony Lonesome to Pittsburg Landing, on that Sunday, April 6, 1862. The letter, now for the first time in print, is given in the pages immediately following.

J. W. Rich

The State Historical Society of Iowa
Iowa City Iowa

[3] *Lew Wallace: An Autobiography,* Vol. I, p. 453.

War Department,
Shiloh National Military Park Commission,
Pittsburg Landing, Tenn.

February 13, 1909

My Dear Comrade Rich:

Answering yours of 9th instant just received. You evidently quote from General Lew. Wallace's Autobiography: "The last file of the rear-guard had put Clear Creek behind it at 1:30 p. m."

There are discrepancies in the records concerning this march of the command of General Wallace that cannot be explained or reconciled except on the theory that memory of events of long ago is not always reliable. General Wallace's account of this march shows that his memory of the events of the march has been refreshed or revived since he wrote his official report dated April 12, 1862, Vol. X, pages 169–177.[4] His map, accompanying that report, makes no note of bridges across Snake Creek at the Overshot Mill, but indicates that his division was marching towards the bridge at the mouth of *Owl Creek* (now known as Wallace Bridge) when he was turned back to a road and bridge of which he had no knowledge and which he describes as at *mouth* of Snake Creek. Rowley, page 180, makes Wallace say: "None of us know the River Road of which you speak". There never was a bridge near the mouth of Snake Creek as indicated on the Wallace map marked "D". The map further shows that General Wallace thought, when he made his report, that he turned back before he reached *Snake Creek,* not after he crossed Clear Creek. The McPherson map, page 183, is a correct map of the country and shows McPherson's idea of the place where he found General Wallace's command.

In November, 1901, General Wallace came here for the purpose of taking notes to verify his autobiography statements as to the Battle of Shiloh. Accompanying him was Captain Brown, of Thompson's Battery, Captain Wood, 11th Indiana, Captain Ensley, 44th Indiana and several others. General Wallace had with him a map which he had prepared for his autobiography, which showed his head of column at the *Owl Creek Bridge* where Sherman's right line rested Sunday morning. He asked to have a marker placed there to show that fact. I said to him: "We cannot do that, General, because it is not true that your advance reached that point

[4] *War of the Rebellion: Official Records,* Series I, Vol. X, Part I, pp. 169–177.

on Sunday." "Your cavalry did not get within four miles of that place."

The General was aroused at once and felt like arguing the point, but was told that it was useless to argue the matter; that the best way was to go together to the other end of the route and follow the trail and see if we could not find the place where the column was turned back. To this he readily agreed.

The next day, November 20, 1901, a party consisting of, as shown by our record: "General Wallace, Major Reed, Captain Brown, Captain Wood, Captain Ensley, Mr. Thompson and Mr. Large" visited the camps of Wallace's division at Crumps, Stony Lonesome and Adamsville and then followed the trail of the division as it marched towards the battlefield April 6, 1862.

It was agreed that on that march the Cavalry, under Major Hayes, was the advance guard followed by Smith's 1st Brigade in the following order: 24th Indiana, Thompson's Battery, 11th Indiana, 8th Missouri and then Thayer's (2nd) Brigade. I note that in autobiography, page 465, it is stated that Thayer's brigade followed the 24th Indiana. This is undoubtedly an error, for on page 471 it is stated that the first brigade was in advance: "Colonel Smith led them". In another place the reason for the countermarch, instead of about facing the column, was that the first brigade might be in front.[5] McPherson, page 182, Vol. X, says that the 1st brigade was in front.[6] In any event, they all agreed that Capt. Brown, in command of Thompson's Battery, [and] Captain Wood were near the head of the column and were to show the road. When the party arrived at the top of the ridge, overlooking the valley of Clear Creek, Captain Brown said: "This is the place where my battery turned around". After some study they all agreed that the Cavalry was nearly or quite down to the creek but that the Infantry and Artillery countermarched from the ridge before entering the valley. The point from which the column turned back is marked "Smith" on the map of General Wallace's march. I think you have a copy of that map. In any event the place is about half a mile north of Clear Creek and about two miles from the Overshot mill. The two brigades and two batteries must have occupied the road all the way from "Smith" back to the Overshot mill,

[5] *Lew Wallace: An Autobiography*, Vol. I, pp. 465, 471; see also p. 469, footnote.

[6] *War of the Rebellion: Official Records*, Series I, Vol. X, Part I, p. 182.

for, members of the 3rd brigade, leaving Adamsville at 2 p. m.,— Whittlesey's report — say that they came up to the rear of Thayer's brigade at the mill and waited there an hour or more for the first and second brigades to countermarch and string out on the direct road to Pittsburg Landing. General Wallace says: "While making this change of direction, the 3rd brigade came up and took its place."

After locating the point, "Smith", as the place from which he turned back, General Wallace said: "Now Major, you will give it up that my Cavalry was down there at Owl Creek, won't you?" My reply was: "I admit that your Cavalry was doubtless at the creek in our front, but that is not Owl but Clear Creek, four miles this side of Owl". The General could not be convinced that his cavalry had not reached Owl Creek, until we had continued the journey all the way to that crossing, and had interviewed several citizens along the way, among them Captain T. A. Johnson, C. S. A., who when asked if he knew where General Wallace's command turned back, when on its march to the battle field, April 6, 1862, replied: "Yes I know about that. I was in command of a Cavalry company detailed to watch General Wallace's movements. I was at Clear Creek and saw the head of column turn back, the cavalry following as rear guard. As soon as I was sure that all had gone back, I reported the fact to the Infantry force that was guarding Owl Creek bridge and it was relieved and sent to the front". After a second interview with Captain Johnson, lasting all the next forenoon, General Wallace was convinced and said: "Major Hayes surely reported to me that he reached Owl Creek bridge. I see now that his report was wrong and that I have been wrong for nearly forty years. I will see that the error is corrected in my forthcoming autobiography." In making such correction, he has evidently put Clear Creek at the wrong end of his column. The head did possibly reach that creek but his rear guard was at that time back at Adamsville and did not cross *Snake Creek* until after dark, and then at the lower crossing.

I note that the General suggests, in autobiography, that at the time he was turned back, he had it in mind that it would be a good plan to continue the march and attack the Confederates in the rear. This seems to be an afterthought inconsistent with his official report, pages 170 and 175, Vol. X, in which he says if the march had

been continued my army would have been entirely cut off and be liable to be cut to pieces.[7]

While at Shiloh, in 1901, General Wallace suggested that if he had known the exact conditions of the Confederate forces it might have been a good plan to have continued his march and attacked the enemy in the rear. But when he came to the swamp, absolutely impassable, except over a narrow corduroy road nearly half a mile long, had it pointed out to him that this road was defended by two full regiments and a battery of artillery, he admitted that it would have been impossible for his division to have forced the crossing.

I note another curiosity in the autobiography. Nowhere in any of the reports is there any mention of a name for the bridge over Snake Creek, other than Snake Creek Bridge. No one, during War times seems to have heard of it by any other name. When General Wallace was here in 1901, Mr. Thompson said to him: "We have good authority for calling this 'Wallace Bridge'. It was first so named before the war because a man named Wallace lived near it. It was again so christened when W. H. L. Wallace rebuilt it just before the battle, and again christened when General Lew. Wallace crossed it on his way to the field."

The General several times referred to the matter as a coincident that he was glad to hear about, his expressions indicating that he had never before heard that the bridge was called Wallace. He now, in his book, recites that General Smith in giving him his orders gave particular instructions about "Wallace Bridge" and refers to it frequently as of his knowledge in 1862.

This is interesting in one way, as it shows that this part of the autobiography was written, or at least modified after his visit here in 1901.

I am sure this more than answers your questions and is doubtless uninteresting but as I was looking up my notes and found that I had never put the record of the General's visit in writing, I thought it [would] be of use sometime to have it. I keep copy.

Very truly yours,

D. W. Reed

[7] *War of the Rebellion: Official Records,* Series I, Vol. X, Part I, pp. 170, 175.

SOME PUBLICATIONS

Native Villages and Village Sites East of the Mississippi, a monograph by David I. Bushnell, Jr., is published as bulletin sixty-nine of the Bureau of American Ethnology.

Climatic Cycles and Evolution, by Griffith Taylor, and *The New Boundaries of Austria* are two of the papers published in *The Geographical Review* for December, 1919.

A *List of the Washington Manuscripts from the Year 1592 to 1775,* prepared by John C. Fitzpatrick, has been published by the Library of Congress.

The Obligation of Contracts Clause of the United States Constitution, a monograph by Warren B. Hunting, has been published as a recent number of the *Johns Hopkins University Studies in Historical and Political Science.*

Washington Five and Eight O'Clocks, by Vernon Kellogg, and *An Anglo-American Entente,* by George McLean Harper, are two of the papers published in *The Yale Review* for April.

The January issue of *Americana* contains the following articles: *The Moravians in Northampton County, Penn.,* by William N. Schwarze; and *The Hampton Normal and Agricultural Institute,* by Winfield Scott Downs.

The Young Women's Christian Association has issued in book form the report of the work of the Social Morality Committee of the War Work Council of the Association during the World War.

A volume on *The Army and the Law,* by Garrard Glenn, has been published by the Columbia University Press.

Our War with Germany, by John Spencer Bassett, is a brief history of the war activities of the United States, and its part in the World War. Although the writer acknowledges that no one "at this time can expect to produce a completely reliable history

of the war'', this volume is a valuable addition to the present day historical collections.

The *Smith College Studies in History* for October, 1919-January, 1920, consists of a monograph by Margaret Woodbury on *Public Opinion in Philadelphia, 1789-1801.*

Louis Bernard Schmidt has compiled a volume entitled *Topical Studies and References on the Economic History of American Agriculture.* A paper by the author on *The Economic History of American Agriculture as a Field for Study* is also included.

The Liberal Republican Movement, a dissertation by Earle Dudley Ross, presents much interesting information concerning the political alignment during the period following the Civil War.

The Diary of Bartlett Yancey Malone, edited by William Whatley Pierson, Jr., and *The Provincial Agents of North Carolina,* by Samuel James Ervin, Jr., are the two articles published in a recent issue of *The James Sprunt Historical Publications.*

The New American Thrift is the general subject covered by the contributions to *The Annals of the American Academy of Political and Social Science* for January. The March number contains a collection of papers on *Bonds and the Bond Market.*

The University of Toronto has begun the publication of a new quarterly journal, *The Canadian Historical Review,* which is to supplant *The Review of Historical Publications Relating to Canada,* issued annually since 1896. The first number of the new periodical contains two articles: *Canada and the Imperial War Cabinet,* by George M. Wrong; and *Notes on the Quebec Conference, 1864,* edited by A. G. Doughty.

The Negro in Education, by Loretta Funke, *The Negro Migration to Canada after 1850,* by Fred Landon, and *The Relations of Negroes and Indians in Massachusetts,* by C. G. Woodson, are three of the contributions to the January issue of *The Journal of Negro History.*

The South's Labor Problem, by Monroe N. Work, *Samuel J. Tilden and the Revival of the Democratic Party,* by Earle Dudley

Ross, and the concluding installment of *Reconstruction and Education in South Carolina,* by Edgar W. Knight, are among the papers and articles published in the January number of *The South Atlantic Quarterly.*

The *Thirty-third Annual Report of the Bureau of American Ethnology* contains the following papers: *Uses of Plants by the Indians of the Missouri River Region,* by Melvin Randolph Gilmore; *Preliminary Account of the Antiquities of the Region between the Mancos and La Plata Rivers in Southwestern Colorado,* by Earl H. Morris; *Designs on Prehistoric Hopi Pottery,* by Jesse Walter Fewkes; and *The Hawaiian Romance of Laieikawi,* by Martha Warren Beckwith.

The United States Cavalry Association has resumed the publication of the quarterly periodical formerly the *Journal of the U. S. Cavalry Association.* The name now adopted is *The Cavalry Journal.* The April number — the first to appear since that for April, 1918 — contains the following papers and articles: *A Message to the Cavalry,* by John Joseph Pershing; *The Cavalry School and Its New Functions,* by G. H. Cameron; *Review of Our Cavalry Situation,* by Le Roy Eltinge; and *The Future of Cavalry,* by A. J. Tittinger.

Quaint and Historic Forts of North America is the title of an attractive volume by John Martin Hammond. It is "an account of the most famous fortfications of North America" and provides "a cross section of the military history of the continent". Among the forts described which are of particular interest in the study of Mississippi Valley history are the following: Fort Michillimackinac, Fort Holmes, Fort Massac, Fort Jackson, Fort St. Philip, Fort Snelling, Fort Laramie, The Alamo, Fort Phil Kearney, Fort Leavenworth, Fort Fetterman, Fort Bridger, Fort Keogh, and Fort Douglas. Numerous ilustrations add to the interest of the volume, and a short index is provided.

How American Aviators Were Trained, by H. Bingham, and *Teaching Current Events,* by J. L. Stockton, are two of the papers found in *The Historical Outlook* for January. The February number contains an article by R. V. B. Magoffin on *Morale Work in an*

Army Camp; M. P. Robinson writes of *Virginia's Historical Laboratory;* Edward C. Page contributes a paper entitled *More about the Working Museum of History;* and Edith M. Clark gives an account of *The History Curriculum since 1850.* C. A. Coulomb is the compiler of the report of the Cleveland meeting of the American Historical Association. In the number for March are the following papers: *Committee on Public Information,* by Guy S. Ford; *History Situation in Colleges and Universities, 1919-1920,* by A. M. Schlesinger; and *Evolution of Our Calendar, and a Perpetual One,* by B. M. Jaquish.

The American Political Science Review for February contains the following articles and papers: *Present Tendencies in American Politics,* by Henry Jones Ford; *Revolutionary Communism in the United States,* by Gordon S. Watkins; *The New German Constitution,* by Walter James Shepard; *American Government and Politics,* by Lindsay Rogers; a second installment of *Constitutional Law in 1918-1919,* by Thomas Reed Powell; *Legislative Notes and Reviews,* by Charles Kettleborough; *Foreign Governments and Politics,* by Frederic A. Ogg; and *Notes on International Affairs,* by Charles G. Fenwick.

The War With Mexico, by Justin H. Smith, is a two volume work covering a much debated period of American history. The large amount of material used and the clear and vivid presentation of the facts selected from these sources make these volumes both valuable and interesting. In his search for the real causes of the Mexican War, the author comes to the conclusion that "an episode that has been regarded both in the United States and abroad as discreditable to us, appears now to wear quite a different complexion. Such a result, it may be presumed, will gratify patriotic Americans, but the author must candidly admit that he began with no purpose or even thought of reaching it." Copious notes, a bibliography of sources, and an index add to the usefulness of these attractive volumes.

The 88th Division in the World War of 1914-1917, published by authority of the commanding general of the division, Major General William Weigel, is the story of the National Army division

which was trained at Camp Dodge. The volume is divided into four parts: the training period at Camp Dodge, the history of the division in France, the period following the armistice, and a roster of the officers and men of the division who served in the American Expeditionary Forces. This publication will be of historical interest to Iowans not only because the Eighty-eighth Division was trained in Iowa, but because of the large number of Iowa men included in the organization.

WESTERN AMERICANA

The Housing Situation in the United States, by Clinton Rogers Woodruff, is one of the papers published in *Texas Municipalities* for January.

The History of Cumulative Voting and Minority Representation in Illinois, 1870-1919, a monograph by Blaine F. Moore, constitutes the June, 1919, number of the *University of Illinois Studies in the Social Sciences.*

The Michigan Historical Commission has published *Prize Essays Written by Pupils of Michigan Schools in the War History Contest for 1918–19* as bulletin number eleven in their pamphlet series.

A *Service List of the University of North Dakota,* compiled by Mabel Randolph, appears in the January number of *The Quarterly Journal of the University of North Dakota.*

The January issue of *The Commonwealth Review of the University of Oregon* contains a monograph by Richard Ward Montague on *An Experiment in Wage Adjustment,* and a short article on *Achievement of the Democracy the People Have Set Their Hearts Upon,* by F. G. Young.

IOWANA

The twenty-fifth volume of the *Proceedings of the Iowa Academy of Science* has recently appeared. It contains the report of the thirty-second annual session of the Academy, held at Ames in April, 1918.

Historical Sketch and Alumni Record of Iowa Wesleyan College

is the title of a volume of over four hundred pages recently issued by alumni of the college.

The Fuel Problems in Iowa During the World War is the title of a booklet prepared by Charles Webster, formerly State Fuel Administrator for Iowa.

A collection of documents has recently been issued by the Extension Division of the State University of Iowa under the title *Great Charters of Americanism.*

The *Twenty Eighth Annual Report of the Associated Charities of Des Moines for the Year 1919* has recently appeared in pamphlet form.

The State University of Iowa has published the *Barbados-Antigua Expedition,* by C. C. Nutting, as a recent number of the *Studies in Natural History.*

The Constitution of the State of Iowa and Amendments from 1857 to 1919 with Historical Introduction is the title of a pamphlet recently issued by the Secretary of State.

The Constitution of the United States, by Martin J. Wade, and *Bradford — Iowa's Deserted Village,* by Howard Clark Brown, are two articles of historical interest in the February issue of *The Iowa Magazine.*

Nonnegotiable Bills and Notes, by Herbert F. Goodrich, and *Unwholesome Food as a Source of Liability,* by Rollin M. Perkins, are the two papers which appear in the January number of the *Iowa Law Bulletin.*

The March number of *Ivy Leaves,* the publication issued at Camp Dodge by the Association of the Fourth Division, contains a contribution by Frank E. Lyman, Jr., on *Iowa and the Wars.* According to these statistics Iowa has furnished a total of 194,609 men for military service at various times and of these men, 16,638 are reported to have lost their lives in service.

The January number of the *Journal of History* contains the following articles and papers: *Description of Historic Places in Nauvoo,* by Mark H. Siegfried; *The Cowdery Genealogy,* by Heman

Hale Smith; *Official Statements of Joseph Smith,* compiled by Heman Hale Smith; and a fourth installment of *Early Days on Grand River and the Mormon War,* by Rollin J. Britton. The last named article is continued in the issue for March. In this number there is also an *Autobiography of Henry A. Stebbins.*

Honor rolls of a number of counties have already appeared and others are being compiled. Among the volumes which have recently been distributed are the war records of Butler, Cass, Floyd, Johnson, Scott, Wapello, Washington, and Webster counties. These are not complete histories of the war activities of the counties but contain lists of the names of the men and women who were in the military or naval service or participated in civilian war work. Photographs are usually included and in many cases are the special feature.

An Academic Danger, by Charles Bundy Wilson, *Lake Calvin, an Extinct Glacial Lake,* by Walter Henry Schoewe, *Generals or What-Nots?,* by Charles S. Howard, and *Trade and Industrial Education for Girls and Women,* by Anna Lalor Burdick, are short papers which appear in the January issue of *The Iowa Alumnus.* The number for February contains a sketch of early days in Iowa City, entitled *On the Frontier,* by Grace Partridge Smith, and a story, *His Mother's Son,* by Frances B. Strain. *On the Trail of Victory,* by Stephen Hayes Bush, is a vivid description of life at the front which appears in the issue for March.

The January issue of *The Grinnell Review* contains several short papers on current topics. Among these are: *Some Preliminaries to the Definition of Americanism,* by Horace M. Kallen; and *Two Methods of Reform,* by Johan J. Smertenko. *The Herring Lady,* a story by Edward A. Steiner, and *You and I,* a poem by Thomas E. M. Hefferan, are also included in this number. The issue for February contains a symposium on *The Independent College,* and the first installment of *Industrial Relations,* by John R. Commons.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Aldrich, Bess Streeter,

Across the Smiling Meadow (Ladies' Home Journal, February, 1920).

Ginger Cookies (Ladies' Home Journal, January, 1920).

Marcia Mason's Lucky Star (The American Magazine, March 1920).

The Theatrical Sensation of Springtown (The American Magazine, December, 1919).

Baldwin, Bird Thomas,

Distribution of School Training of Wounded Soldiers (School and Society, December 6, 1919).

Physical Growth of School Children. Iowa City: The State University of Iowa. 1919.

Brisco, Norris A.,

The College of Commerce and Business (The Organizer, February, 1920).

Brown, Charles Reynolds,

Religion of a Layman: a Study of the Sermon on the Mount (Biblical World, November, 1919).

Brown, Howard Clark,

Bradford — Iowa's Deserted Village (The Iowa Magazine, February, 1920).

Burdick, Anna Lalor,

Trade and Industrial Education for Girls and Women (The Iowa Alumnus, January, 1920).

Bush, Stephen Hayes,

American Soldiers in French Universities (Educational Review, January, 1920).

On the Trail of Victory — "La Division Marocaine Donne" (The Iowa Alumnus, March, 1920).

Butler, Ellis Parker,

False Retentions or Something (World Outlook, November, 1919).

I Wish I Had Not Been a Well-Frog (The American Magazine, March, 1920).

Potting Marjatta (Collier's Weekly, January 17, 1920).

Swatty. Chicago: Houghton Mifflin Co. 1920.

Carver, Thomas Nixon,

The Relation of Thrift to Nation Building (The Annals of the

American Academy of Political and Social Science, January, 1920).

Clum, Woodworth,

Hooking Up the "Forty-Eighters" (The Iowa Magazine, March, 1920).

Radicalism in Our Universities (The Iowa Magazine, February, 1920).

Colgrove, Kenneth,

Diplomatic Procedure Preliminary to the Congress of Westphalia (American Journal of International Law, July, 1919).

Craig, Hardin,

English and Commerce (The Organizer, March, 1920).

Devine, Edward Thomas,

Chicago Meeting (The Survey, January 10, 1920).

Competition in Exchanges (The Survey, February 28, 1920).

Individual and Family Welfare (The Survey, January 10, 1920).

Stimulation (The Survey, February 14, 1920).

Their Abundance (The Survey, January 3, 1920).

To the President (The Survey, December 27, 1919).

Fackler, Clarence W.,

A Phase of Modern Banking (The Organizer, February, 1920).

Ferber, Edna,

The Dancing Girls (Collier's Weekly, March 13, 1920).

Old Lady Mandle (Collier's Weekly, January 17, 1920).

Garland, Hamlin,

Coming of Sir Oliver Lodge (Touchstone, January, 1920).

Hillis, Newell Dwight,

Rebuilding Europe in the Face of World-wide Bolshevism. New York: Fleming H. Revell Co. 1920.

Hoover, Herbert Clark,

Ills We Inherit from the War (The Woman's Home Companion, March, 1920).

Memorandum on the Economic Situation (The Annals of the American Academy of Political and Social Science, January, 1920).

Safety of New-born Democracies (Forum, December, 1919).
Unto the Least of These (Sunset, February, 1920).

Hough, Emerson,
Round Our Town (The Saturday Evening Post, February 14, 21, April 3, 1920).
The Soul Child (The Saturday Evening Post, March 27, 1920).

Howard, Charles S.,
Generals or What-Nots? (The Iowa Alumnus, January, 1920).

Hrbkova, Sárka B.,
Czechoslovak Short Stories. New York: Slavia Society. 1920.

Jessup, Walter A.,
Meeting Bolshevism in the Schools (The Iowa Magazine, March, 1920).

Nutting, Charles Cleveland,
Barbados-Antigua Expedition. Iowa City: The State University of Iowa. 1919.

Paramore, Robert T.,
A Public Utilities Commission for Iowa (The Organizer, March, 1920).

Parrish, Randall,
The Mystery of the Silver Dagger. New York: George H. Doran Co. 1920.

Piper, Edwin Ford,
Ballads (Poetry, January, 1920).

Proudfoot, Andrea Hofer,
Trolley Lines. Chicago: R. F. Seymour. 1919.

Reed, James A.,
Herbert Hoover and the League of Nations. Washington: Government Printing Office. 1920.

Reitz, Henry Lewis,
The Probable Future of the Interest Rate (The Organizer, March, 1920).

Richardson, Anna Steese,
After-the-War Club Woman (The Woman's Home Companion, February, 1920).

Two Hundred Percent American (The Woman's Home Companion, April, 1920).

When You Make Over a House (The Woman's Home Companion, February, 1920).

Roberts, George E.,

If We Divided All the Money (The American Magazine, March, 1920).

Sabin, Edwin Legrand,

Boys' Book of Frontier Fighters. Philadelphia: Jacobs & Co. 1919.

Christmas Error (St. Nicholas, December, 1919).

Schlesinger, Arthur Meier,

History Situation in Colleges and Universities, 1919–1920 (The Historical Outlook, March, 1920).

Schmidt, Louis Bernard,

Topical Studies and References on the Economic History of American Agriculture. Philadelphia: McKinley Pub. Co. 1919.

Schoewe, Walter Henry,

Lake Calvin, an Extinct Glacial Lake (The Iowa Alumnus, January, 1920).

Seashore, Carl Emil,

The Psychology of Musical Talent. Boston: Silver, Burdett Co. 1919.

Seerley, Homer Horatio,

American Teacher in Politics (Educational Review, January, 1920).

Smertenko, Johan J.,

Two Methods of Reform (The Grinnell Review, January, 1920).

Smith, Grace Partridge,

On the Frontier (The Iowa Alumnus, February, 1920).

Smith, Lewis Worthington,

A Vase from Nippon (Contemporary Verse, January, 1920).

Roofs (Contemporary Verse, January, 1920).

Steiner, Edward A.,
The Herring Lady (The Grinnell Review, January, 1920).

Stevenson, Russell A.,
The Functions of Cost Accounting (The Organizer, March, 1920).

Strain, Frances B.,
His Mother's Son (The Iowa Alumnus, March, 1920).

Taylor, Alonzo Englebert,
Austria's Present Plight and Dismal Failure (The Review of Reviews, December, 1919).
Hoover's Fifth Year (Sunset, January, 1920).
How Many Are Destitute in Europe (The Saturday Evening Post, February 21, 1920).
Views of a Layman on Bolshevism (The Saturday Evening Post, January 3, 10, and 17, 1920).
Why Sugar Is Scarce and High (The Saturday Evening Post, March 6, 1920).

Wade, Martin J.,
The Constitution of the United States (The Iowa Magazine, February, 1920).

Whitney, Nathaniel R.,
Scanning the Business Horizon (The Organizer, February, 1920).

Williams, Mabel Clare,
Vibration Rate of the Tail of a Rattlesnake (Science, January 2, 1920).

Wilson, Charles Bundy,
An Academic Danger (The Iowa Alumnus, January, 1920).

SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

German gun at Mason City, in the *Lake Mills Graphic,* January 7, 1920.

Spirit Lake since the early days, by A. B. Funk, in the *Spirit Lake Beacon,* January 8, 1920.

How Anamosa got its name, in the *Lisbon Herald,* January 8, 1920.

When boating was the style, in the *McGregor Times,* January 8, 1920.

Christmas in Civil War time, in the *Rock Rapids Review,* January 8, 1920.

Indian battle ground in Worth County, in the *Carroll Times,* January 8, 1920.

Reminiscences by J. D. Herrick, in the *Waverly Independent,* January 9, 1920.

Tribute to the Iowa Band, in the *Eddyville Tribune,* January 9, 1920.

The winter of 1873, in the *Grinnell Herald,* January 9, 1920.

How Osceola was named, in the *Osceola Sentinel,* January 15, 1920.

Early history of Adair County, by William Wilson, in the *Greenfield Free Press,* January 15, 1920.

Iowans in Chicago, in the *Cedar Rapids Gazette,* January 16, 1920.

Early days in Coon Rapids, in the *Coon Rapids Enterprise,* January 16, 1920.

List of Iowans who received military honors in the World War, in the *Des Moines Register,* January 18, 1920.

The old pony express, in the *Boone News-Republican,* January 27, 1920.

Sketch of the life of John H. Peters of Manchester, in the *Cedar Rapids Gazette,* January 31, 1920.

How Cascade, Winterset, Anamosa, and Steamboat Rock were named, in the *Des Moines Register,* February 1, 1920.

Pictures of Burlington, in the *Burlington Hawk-Eye,* February 1, 1920.

Sketch of the life of George D. Perkins, in the *Rock Rapids Review,* February 5, 1920.

Early railroad experiences, in the *Keota Eagle,* February 12, 1920.

Campaign badge of Lincoln, in the *Des Moines Register,* February 12, 1920.

Sketch of the life of Nathaniel French, in the *Davenport Times,* February 14, 1920.

Some Bethlehem history, in the *Centerville Iowegian,* February 13, 1920.

Sketch of the life of W. B. Southwell, in the *Burlington Hawk-Eye,* February 17, 1920.

Quaker marriage license, in the *Malvern Leader,* February 19, 1920.

John Brown in Iowa, in the *Muscatine Journal,* February 19, 1920.

Sketch of the life of Jacob Shuey Bowersox, by George Bennett, in the *Iowa City Citizen,* February 20, 1920.

Some facts about the *State Line Democrat,* in the *Centerville Journal,* February 24, 1920.

History of the State University of Iowa, in the *Daily Iowan,* February 25, 1920.

A visit to old Bradford, by Howard Clark Brown, in the *Nashua Reporter,* February 26, 1920.

Some early history of Franklin County, by W. J. Shroyer, in the *Hampton Chronicle,* March 4, 1920.

The twenty-fifth anniversary of the Order of the Eastern Star at St. Charles, in the *Winterset News,* March 4, 1920.

Sketch of the life of George Vesey Punteney, a centenarian of Cresco, in the *Cresco Plain Dealer,* March 5, 1920.

Summary of recent events in Jefferson County, in the *Fairfield Tribune,* March 5, 1920.

Fiftieth anniversary of the Cedar Rapids Republican, in the *Sioux City Journal,* March 10, 1920.

The downfall of Red Rock, in the *Oskaloosa Herald,* March 13, 1920.

Sketch of the life of Charles T. Griggs, in the *Burlington Hawk-Eye,* March 14, 1920.

"The Green Tree hotel" at Le Claire, one of Iowa's famous trees, in the *Burlington Hawk-Eye,* March 14, 1920, the *Des Moines Register,* March 21, 1920, and the *Madrid News,* March 25, 1920.

Indian duel on site of State University campus, in the *Des Moines Register,* March 14, 1920, and the *Iowa City Press,* March 15, 1920.

Feud between Push-e-ton-e-qua and Peter Old Bear, in the *Grinnell Register,* March 15, 1920.

Sketch of the life of Thomas Campbell, in the *Emmetsburg Democrat,* March 17, 1920.

The first battle of the Eighteenth Iowa Infantry, by N. W. Kendall, in the *Chariton Leader,* March 18, 1920.

The "Gray Beard Regiment", in the *Osceola Sentinel,* March 18, 1920.

The early history of Adair County, in the *Stuart Herald,* March 19, 1920.

Sketch of the life of Thomas Jefferson Stule, in the *Sioux City Journal,* March 22, 1920, the *Le Mars Sentinel,* March 23, 1920, and the *Spencer Reporter,* March 24, 1920.

The naming of Marengo, in the *Marengo Republican,* March 24, 1920.

Breaking prairie with ox teams, in the *Osceola Sentinel,* March 25, 1920.

HISTORICAL SOCIETIES

PUBLICATIONS

Medford a Century Ago — 1819 is one of the papers published in *The Medford Historical Register* for December, 1919.

The Catholic Church in America in 1819, by J. Wilfrid Parsons, and *Eusebio Kino,* by Thomas J. Campbell, are two articles which appear in *The Catholic Historical Review* for January.

The January issue of the *Rhode Island Historical Society Collections* contains the following papers: *The Inscribed Rocks of Narragansett Bay,* by Edmund B. Delabarre, and *The Scotch Prisoners at Block Island,* by G. Andrews Moriarty, Jr.

A Sketch of the Life of James Habersham, by William Bacon Stevens, and *Two Georgia Patriots: Abraham Baldwin and James Jackson,* are papers found in *The Georgia Historical Quarterly* for December, 1919.

The Ohio Workmen's Compensation Law, by H. R. Mengert, and *Ohio's German-Language Press and the Peace Negotiations,* by Carl Wittke, are the two contributions in the January number of the *Ohio Archaeological and Historical Quarterly.*

The Quarterly Publication of the Historical and Philosophical Society of Ohio for October-December, 1919, contains the annual report of the Society.

Recollections of Early Times on the Ohio and Pennsylvania Railroad, by Thomas L. Rodgers, and *A Country Boy Begins Life in Pittsburgh,* by Henderson George, are two of the articles published in the *Western Pennsylvania Historical Magazine* for January.

In *The Quarterly Journal of the Oregon Historical Society* for December, 1919, are the following contributions: *The Northwest Boundaries,* by T. C. Elliott; a continuation of Katharine B. Judson's *British Side of the Restoration of Fort Astoria;* and a seventh

installment of *The Federal Relations of Oregon,* by Lester Burrell Shippee.

The first installment of *The Development of the Free Public High School in Illinois to 1860,* a monograph by Paul E. Belting, appears in the *Journal of the Illinois State Historical Society* for October, 1918. *The First Official Thanksgiving in Illinois,* by Isabel Jamison, and *Lawyers of Montgomery County, Illinois,* by Amos Miller, are among the shorter articles included in this number.

An Experiment of the Fathers in State Socialism, by Milo M. Quaife, *The Early History of Jonathan Carver,* by William Browning, *A Physician in Pioneer Wisconsin,* by John C. Reeve, *Further Discoveries Concerning the Kensington Rune Stone,* by H. R. Holand, and continuations of *The Story of Wisconsin 1634–1848,* by Louise Phelps Kellogg, and *Historic Spots in Wisconsin,* by W. A. Titus, are the chief contributions to *The Wisconsin Magazine of History* for March. Among the documents included in this number is *A Journal of Life in Wisconsin One Hundred Years Ago,* by Willard Keyes.

Bulletin number twenty-five of the *Publications of the North Carolina Historical Commission* contains the *Proceedings of the State Literary and Historical Association of North Carolina.* Among the addresses included are the following: *England and the Birth of the American Nation,* by William Thomas Laprade; *The Converging Democracies of England and America,* by William E. Dodd; *Anglo-American Diplomatic Relations During the Last Half Century,* by Charles H. Levermore; and *Social and Political Ideals of the English-Speaking Peoples,* by George A. Wauchope.

A second installment of *Steamboats and Their Captains on Southern and Western Waters,* by Ella Hutchinson Ellwanger, *History of the Trappists in Kentucky,* by Edmund M. Obrecht, and a chapter of the *History of Woodford County,* by William E. Railey, are three of the contributions to the January number of *The Register of the Kentucky State Historical Society.*

Little Bonne Femme Church, by E. W. Stephens, *The Osage War,* by Robert A. Glenn, *Missourians Abroad — Leigh C. Palmer,* by

J. Willard Ridings, *The Followers of Duden,* by William G. Bek, *Shelby's Expedition to Mexico,* by John N. Edwards, and a fifth article on *Early Days on Grand River and the Mormon War,* by Rollin J. Britton, are the papers which appear in *The Missouri Historical Review* for January.

Mirabeau Buonaparte Lamar, by A. K. Christian, and *Gali and Rodriquez Cermenho: Exploration of California,* by Charles E. Chapman, are two of the articles published in the January number of *The Southwestern Historical Quarterly.* There are also continuations of *James W. Fannin, Jr., in the Texas Revolution,* by Ruby Cumby Smith, and the *Minutes of the Ayuntamiento of San Felipe de Austin, 1828–1832,* edited by Eugene C. Barker.

The four numbers of the *Proceedings of the New Jersey Historical Society* for 1919 were issued in one volume. Among the articles contained in this number are the following: *The Shifting of Intelligence During the Past One Hundred Years,* by Walter T. Marvin; *Early Settlements and Settlers of Pompton, Pequannoc and Pompton Plains,* by Garret C. Schenck; and the *Journal of a Trip to Kentucky in 1795,* by Lewis Condict.

The *Michigan History Magazine* for October, 1919, contains the following papers and articles: *Michigan and the Great War,* by George L. Lusk; *President Andrew Johnson at Albion,* by O. E. McCutcheon; *Michigan Agriculture and the Food Supply During the War,* by Mrs. Dora Stockman; *Indian Wars and Warriors of Michigan,* by Norman B. Wood; *Michigan State Federation of Women's Clubs and the Great War,* by Mrs. Florence I. Bulson; *War Work of the American Red Cross of Michigan,* by Sidney T. Miller; *Lewis Cass and the Saginaw Treaty of 1819,* by Henry E. Naegely; and *Essential Conditions of Permanent World Peace,* by Harry Hartman.

ACTIVITIES

The Buffalo Historical Society has published in pamphlet form the reports of the president and secretary submitted at the annual meeting on January 6, 1920.

Mrs. Jennie C. Morton, regent and secretary-treasurer of the

Kentucky State Historical Society, died at Frankfort, Kentucky, January 9, 1920, at the age of eighty-two. Mrs. Morton was the founder and editor of *The Register of the Kentucky State Historical Society.*

The State Historical Society of Missouri held its annual meeting at Columbia, March 6, 1920, to commemorate the centennial of the signing of the Missouri Enabling Act by President James Monroe.

The Jefferson County Historical Society held its quarterly meeting at Fairfield, March 3, 1920. All officers of the society were reelected, as follows: T. L. James, president; Ralph W. Lamson, vice president; Hiram Heaton, secretary; Cranmore Gage, treasurer.

The Tennessee Historical Committee is making preparations for the erection of the Memorial Hall, Library, and Capitol Annex for which bonds to the amount of $2,200,000 were authorized by the legislature in 1919. The new building is to be located near the capitol. The committee is also engaged in the collection of historical materials.

Charles Burleigh Galbreath, State Librarian of Ohio, has recently been selected as Secretary of the Ohio Archaeological and Historical Society, taking the position left vacant by the death of Emilius O. Randall.

Joseph Schafer, formerly Professor of History at the University of Oregon, is the new Superintendent of the Wisconsin State Historical Society. Mr. Schafer will take over much of the executive work while Mr. Milo M. Quaife will devote his time to the editorial and research work.

In the recent death of Thomas McAdory Owen, the State of Alabama has lost an efficient and enthusiastic archivist and historian. It was largely due to the work of Mr. Owen that the Alabama State Department of Archives and History was established in 1901, and he has been the editor of the publications of the department. In addition to this service Mr. Owen was the author of a number of books and articles on Alabama history and was an active member of several historical societies, and was one of the founders and the first president of the Alabama Library Association.

THE STATE HISTORICAL SOCIETY OF IOWA

The following persons have recently been elected to membership in the Society: Dr. Edwin C. Bock, Fairfield, Iowa; Rev. J. J. Boylan, Des Moines, Iowa; Mr. W. P. Brady, Des Moines, Iowa; Mr. A. D. Claussen, Laurens, Iowa; Miss Estella Gordon, Centerville, Iowa; Miss Grace S. Harsh, Creston, Iowa; Mr. James R. Locke, Bedford, Iowa; Rev. Luigi G. Ligutti, Des Moines, Iowa; Mr. W. C. Rathke, Glenwood, Iowa; Mr. Clarence I. Spencer, Des Moines, Iowa; Mr. Jesse F. Stevenson, Des Moines, Iowa; Mr. G. E. Sutton, Cromwell, Iowa; Mr. Oscar Wenstrand, Red Oak, Iowa; Mr. Ben H. Wilson, Mt. Pleasant, Iowa; Mr. Sanford Zeigler, Jr., Fairfield, Iowa; Mr. J. Leonard Callanan, Des Moines, Iowa; Mr. John D. Denison, Des Moines, Iowa; Mr. G. W. Dulany, Jr., Chicago, Illinois; Mr. E. McKinley Eriksson, Iowa City, Iowa; Mr. James C. France, Tipton, Iowa; Mr. L. E. Harbach, Des Moines, Iowa; Mrs. Carrie G. Hunter, Newton, Iowa; Mr. Edwin R. Jackson, Council Bluffs, Iowa; Mr. Herbert C. Jepsen, Goose Lake, Iowa; Mr. Wm. S. Johnson, Iowa City, Iowa; Mr. Don B. Shaw, Des Moines, Iowa; Mr. Geo. F. Skinner, Clinton, Iowa; Mr. F. A. Spencer, Des Moines, Iowa; Mrs. Frank B. Thrall, Ottumwa, Iowa; Mr. Geo. M. Van Evera, Des Moines, Iowa; Mr. Arthur T. Wallace, Des Moines, Iowa; Mr. Frank Warner, Des Moines, Iowa; Mr. C. G. Allyn, Mt. Ayr, Iowa; Mr. C. R. Barnes, Shenandoah, Iowa; Mr. Henry C. Beard, Mt. Ayr, Iowa; Mr. W. H. Blair, Lamoni, Iowa; Mr. Memnon J. Carter, Ossian, Iowa; Mr. C. S. Cathcart, Odebolt, Iowa; Mr. Frank Cole, Davenport, Iowa; Mr. Wayne G. Cook, Davenport, Iowa; Mr. Roy E. Cubbage, Des Moines, Iowa; Mr. E. J. Curtin, Decorah, Iowa; Mrs. Kate S. Eno, Northwood, Iowa; Mr. Geo. W. Gates, Marble Rock, Iowa; Mr. Chester Alfred Gibson, Iowa City, Iowa; Mr. William C. Grisier, Jefferson, Iowa; Dr. A. L. Hageboeck, Davenport, Iowa; Mrs. Jansen Haines, Des Moines, Iowa; Dr. J. T. Haller, Davenport, Iowa; Mr. William H. Hart, Sac City, Iowa; Mr. D. H. Hedrick, Battle Creek, Iowa; Mr. L. H. Henry, Charles City, Iowa; Mr. Lafe Hill, Nora Springs, Iowa; Mr. J. F. Hinkhouse, Hopkinton, Iowa; Mr. C. H. Kenyon, New Hampton, Iowa; Mr. M. H. Kepler, Northwood, Iowa; Mr. Roy U.

Kinne, Storm Lake, Iowa; Dr. James V. Lankelma, Pella, Iowa; Mr. Karle C. Latta, Paton, Iowa; Mr. Richard C. Leggett, Fairfield, Iowa; Mr. F. D. Letts, Davenport, Iowa; Mr. J. C. Lobbes, Pella, Iowa; Mr. J. H. McCord, Spencer, Iowa; Mr. W. H. McHenry, Des Moines, Iowa; Mr. Charles S. Macomber, Ida Grove, Iowa; Mr. Homer A. Miller, Des Moines, Iowa; Mr. Chas. H. J. Mitchell, Storm Lake, Iowa; Mr. G. F. Mitchell, Coin, Iowa; Rt. Rev. Theodore N. Morrison, Davenport, Iowa; Mr. Roy W. Murray, Cedar Rapids, Iowa; Mr. E. C. Nelson, Royal, Iowa; Mr. S. E. Rowe, Bloomfield, Iowa; Mr. Will. M. Sanger, Blanchard, Iowa; Mr. E. M. Sharon, Davenport, Iowa; Mr. F. E. Sheldon, Mt. Ayr, Iowa; Mr. H. J. Snover, Battle Creek, Iowa; Mrs. H. W. Spaulding, Grinnell, Iowa; Mr. William M. Storey, Storm Lake, Iowa; Mr. H. R. Tillotson, Stockport, Iowa; Mr. William M. Walker, Keosauqua, Iowa; Mr. C. F. Wennerstrum, Chariton, Iowa; Mrs. C. E. Witherow, Thurman, Iowa; Mr. Carl J. Wohlenberg, Holstein, Iowa; Mr. Craig T. Wright, Des Moines, Iowa. The following persons have been enrolled as life members of the Society: Mr. John C. Parish, Iowa City, Iowa; Dr. Henry Albert, Iowa City, Iowa; Mr. Marvin H. Dey, Iowa City, Iowa; Mr. Geo. E. Grier, Iowa City, Iowa; Mr. J. M. Lindly, Winfield, Iowa.

Mr. W. O. Coast and Major Morton C. Mumma have been elected to the Board of Curators of The State Historical Society of Iowa to fill the vacancies resulting from the resignations of Mr. Euclid Sanders and Mr. J. W. Rich. Mr. Sanders has been a member of the Board since July, 1905, and Mr. Rich since July, 1903.

NOTES AND COMMENT

The Hawkeye Natives of Burlington have launched a campaign for a fund to be used to erect a memorial or museum building, in which will be located the headquarters for the society in the county.

The twenty-first annual conference of the Iowa Society of the Daughters of the American Revolution was held at Clinton, March 17–19, 1920.

Company F of the Fifty-first Iowa Infantry held a reunion at Oskaloosa, February 17–19, 1920. The officers of the company were: Jesse J. Ellsworth, president; Harry Carlon, vice president; Lon Fritch, secretary; and W. H. Keating, treasurer. The regiment to which this company belonged served in the Philippine Islands from December 7, 1898, until October 22, 1899, although the war service began June 5, 1898, and the company was not demobilized until November 6, 1899.

It is proposed to establish a State park at Blue Lake in Monona County. Between 600 and 700 acres of land in the vicinity of the lake belong to the State and this area together with the lake itself would include some 1500 acres. Dr. L. H. Pammel suggests that the proposed reservation be named the Lewis and Clark Park in commemoration of the fact that these explorers camped three times at Blue Lake.

The fifty-eighth anniversary of the battle of Fort Donelson was celebrated at Bloomfield, February 14, 1920. The Second Iowa Infantry, which distinguished itself in this battle, was recruited largely from this section of the State.

The annual meeting of the Iowa Conservation Association was held at Ames, March 19 and 20, 1920. Mrs. L. B. Schmidt appealed for more interest in the marking of historical spots. The following officers for the ensuing year were elected: Henry S. Conard, president; S. Bickel, vice president; G. B. McDonald, secretary; and G. E. Himes, treasurer.

CONTRIBUTORS

George Farrington Robeson, Teacher of History, West Des Moines High School. Born at Lohrville, Iowa, July 25, 1888. Graduated from the Iowa State Teachers College in 1915. Received the degree of Master of Arts from the State University of Iowa in 1916.

Joseph W. Rich, Member of the Board of Curators of The State Historical Society of Iowa. (See The Iowa Journal of History and Politics for January, 1908, p. 159.)

THE STATE HISTORICAL SOCIETY OF IOWA

ESTABLISHED BY LAW IN THE YEAR 1857
INCORPORATED: 1867 AND 1892
LOCATED AT IOWA CITY IOWA

FORMER PRESIDENTS

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F. H. LEE
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Any person may become a member of THE STATE HISTORICAL SOCIETY OF IOWA upon election by the Board of Curators and the payment of an entrance fee of $3.00.

Membership in this Society may be retained after the first year upon the payment of $3.00 annually.

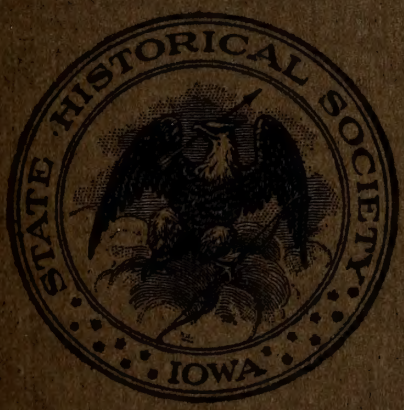
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THE IOWA JOURNAL OF HISTORY AND POLITICS
JULY NINETEEN HUNDRED TWENTY
VOLUME EIGHTEEN NUMBER THREE

THE SOLDIER VOTE IN IOWA IN THE ELECTION OF 1888[1]

During the late eighties there were nearly a million and a half survivors of the Union armies who lived and voted principally in the Northern States.[2] These men and their sympathizers constituted an element known in political parlance as "the soldier vote". Debates in Congress, the press, party platforms, and campaign text-books contain evidence that politicians considered this voting element to be an important one, especially during the eighties and early nineties.[3] The presidential election of 1888, coming at about the middle of this period and following close upon a series of events which had brought the soldier element of the country very distinctly before the public, is perhaps the best election that can be selected for the study of the subject. Iowa offers an excellent opportunity for this study, being

[1] This paper was read at the annual meeting of the Mississippi Valley Historical Association at Greencastle, Indiana, April 29, 1920.

[2] An estimate made by the Commissioner of Pensions gives 1,246,089 in 1890.— *House Executive Documents,* 51st Congress, 2nd Session, Vol. 13, pp. 20, 21. The Census of 1890 gives a smaller number, but it did not claim to have complete returns.— *Compendium of the Eleventh Census of the United States,* 1890, Pt. III, pp. 572–586.

[3] For examples of discussions of the soldier vote and of the connection between pensions and politics in Congress, see *Congressional Record,* 48th Congress, 2nd Session, p. 486, 49th Congress, 1st Session, pp. 825, 1797, 1986, 2045. The national party platforms show the greatest interest in this subject during the period from 1884 to 1896, when most of the minor parties have pension planks. Stanwood's *A History of Presidential Elections* (Fourth Edition), pp. 384, 389, 394, 395, 404, 426, 435, 444, 460, 466, 478. For examples of material in campaign text books see *Republican Campaign Text Book for 1884,* pp. 108–126; *The Campaign Text Book of the Democratic Party of the United States for the Presidential Election of 1888,* pp. 268–303.

in a region where soldiers were numerous and where Civil War issues still survived.

More than twenty years after the mustering out of the Union armies the Civil War tradition in Iowa remained very strong. The newspapers of the years 1887 and 1888 kept the memories of the war constantly before their readers; war stories and reminiscences, the incidents of camp life or campaigns, and the activities of prominent veterans all helped to accomplish this result.[4] Washington correspondents and headline writers, in their desire to interest the public, frequently placed emphasis on pensions or other matters of interest to the soldiers. Cleveland's vetoes of private pension bills received much attention. Judging from the amount of newspaper space devoted to it, the death of General John A. Logan, the "soldier senator" from the neighboring State of Illinois, was one of the prominent events of the year. Logan was sincerely mourned not so much because he had been a Senator and an honest man as because he had been a Union general, and because, in Congress and out, he had been the friend of his old comrades of the "late war".[5] The bill to pension Mrs. Logan was followed with interest, and like Cleveland's pension vetoes it became a matter for party controversy.[6]

On Decoration Day the patriotic people turned out to honor the soldier dead. Those who watched the parade saw of course the band, the fire department, perhaps a militia company or two, and the other incidentals. But above all they saw the old soldiers themselves, not only the ones who

[4] *Clinton Weekly Herald,* December 1, 1887, May 31, 1888, June 14, 1888; *The Spirit Lake Beacon,* January 28, March 11, 1887; *Fayette County Union,* January 1, March 1, June 7, 14, July 12, 1887.

[5] *Clinton Weekly Herald,* January 13, 1887; *Fayette County Union,* January 1, 1887; *The Iowa State Register* (Des Moines), January 1, 2, 4, 1887.

[6] *The Iowa State Register* (Des Moines), January 6, 7, 13, 19, February 2, 18, March 4, 1887.

were able to march, but also the "disabled soldiers in carriages", many with crutches or empty sleeves. To many of those who had lived through the depression and bitterness of the war, these men, even the ones who had fallen into evil ways, must have seemed to be the very personification of patriotism and sacrifice, to whom a grateful people owed more than mere verbal appreciation. Those who heard the speeches, or read them in the next issue of the local paper, were reminded of the danger to the country in 1861 and of the heroic services of the soldiers. Sometimes they heard condemnations of the government which allowed some of its defenders to die in the poor house, and gave only a little to the men to whom it owed everything.[7]

Meetings of old soldiers' organizations kept up not only the class consciousness of the veterans themselves but also a consciousness on the part of the public that the class existed. During 1887 and 1888 papers reported reunions of at least eight organizations of Iowa soldiers besides the Grand Army of the Republic.[8] Upwards of forty thousand sur-

[7] Most of the newspapers give long and detailed accounts of the Memorial Day exercises. See editorials in the *Clinton Weekly Herald,* May 19, 1887; *The Iowa State Register* (Des Moines), June 1, 1887. State Senator Woolson, in a Memorial Day speech at Oskaloosa, said that the soldiers were the nation's preferred creditors, and that justice required the use of the surplus to keep them out of the poorhouse.— *The Iowa State Register* (Des Moines), June 2, 1887. About half of Commander Fegan's speech at Clinton was on the duty of the country to pay more pensions.— *Clinton Weekly Herald,* June 7, 1888. See also *The Iowa State Register* (Des Moines), May 31, 1887.

[8] The following organizations are noted: Crocker's Iowa Brigade, *Clinton Weekly Herald,* June 9, 1887; Northwest Iowa Soldiers and Sailors, *The Spirit Lake Beacon,* September 14, 1888, October 12, 1888; Iowa Ex-Prisoners of War Association, *Clinton Weekly Herald,* February 24, 1887; First Iowa Veterans, *Clinton Weekly Herald,* July 28, 1887; Twentieth Iowa Infantry, *Clinton Weekly Herald,* October 11, 1888; Seventh Iowa Cavalry, *Clinton Weekly Herald,* August 4, 9, 1887; Eastern Iowa Veteran Association, *Clinton Weekly Herald,* August 9, September 6, 1888; Ninth Iowa Infantry and Third Iowa Battery Veteran Volunteers, *The Cedar Falls Gazette,* October 5, 1888.

vivors of the Union armies lived in Iowa in the late eighties.[9] They were about one-tenth as numerous as the voters in the presidential election of 1884, and more numerous than the Republican majority over the opposition in most of the State elections since the war.[10] In 1888 more than twenty thousand Iowans received military pensions from the United States government.[11] Nearly eighteen thousand of the veterans were members in good standing of the Department of Iowa, Grand Army of the Republic.[12] The Sons of Veterans and the Woman's Relief Corps fostered the preservation of the same sentiments.

The Grand Army of the Republic was by far the greatest of the old soldiers' organizations. The publicity given to its part in Memorial Day exercises and to its State and national encampments and other activities kept it well advertised. It played an important part in the social life of the community.[13] The *Grand Army Advocate,* published in Des Moines, gave it a means of expression. The order exerted a powerful influence toward keeping the old issues alive. One of its objects was to preserve the memories of the war. Its loyalty, said an article quoted in an Iowa paper, "was proven on a hundred battlefields, and is the great leading principle which the Grand Army not only ad-

[9] There were 39,862 in 1887, according to a list prepared by the Adjutant General of the State.— *The Iowa State Register* (Des Moines), January 26, 1887; *Fayette County Union,* February 15, 1887. As this list was compiled from information collected by the assessors, who had difficulty in getting the information, it was no doubt as incomplete as the census of 1890.

[10] The figures for the elections for State officers prior to 1884 are given in Fairall's *Manual of Iowa Politics,* Vol. I.

[11] *Clinton Weekly Herald,* October 4, 1888.

[12] *Journal of the Proceedings of the Fourteenth Annual Encampment, Department of Iowa, Grand Army of the Republic,* p. 18.

[13] For examples of accounts of social activities of the Grand Army of the Republic, "soldier sociables", etc., see *The Iowa State Register* (Des Moines), January 2, 7, 1887; *Clinton Weekly Herald,* February 24, June 9, 1887; *The Spirit Lake Beacon,* March 11, 18, 25, 1887.

heres to, but which it will force all others to adhere to, as it did in 1861. It is an organization of minute men which the country can call upon at any time and the members of which are drilled and tried in the only method which has ever proved effectual in dealing with traitors to the flag.'"[14] This sentiment of loyalty to the flag in the Civil War generation had a distinctly sectional and sometimes a partisan turn. When embodied in a compact organization which was backed by a powerful public sentiment, it was a thing for politicians to conjure with.

The Grand Army claimed to be a thoroughly non-political organization. It had strict rules against the use of the order or of its insignia for partisan purposes.[15] Many of its ablest leaders endeavored earnestly to keep it out of party politics and they had usually succeeded in keeping it within the bounds of non-partisan propriety so far as official action was concerned.[16] But the very nature and composition of the order made it inevitable that it should have political importance. Composed of ex-Union soldiers, it was distinctly sectional. In Iowa, a strong Republican State, its membership was overwhelmingly Republican. As an organization to protect the interests of the old soldiers, it was interested in pension and bounty legislation. Its membership included many men who were prominent in public life and whose political advancement was assisted by the votes of their comrades. When sectional or Civil War issues played an important part in elections, and when pen-

[14] Article on the Grand Army of the Republic in the *Chicago Inter Ocean*, quoted in the *Clinton Weekly Herald*, September 2, 1886.— Compare remarks of Judge Advocate Given in the *Journal of the Twelfth Annual Encampment, Department of Iowa, Grand Army of the Republic*, pp. 102, 103.

[15] Beath's *History of the Grand Army of the Republic*, p. 30.

[16] Beath's *History of the Grand Army of the Republic*, pp. 101, 120, 147, 242; *Journal of the Twelfth Annual Encampment, Department of Iowa, Grand Army of the Republic*, p. 42; *The Des Moines Leader*, April 23, 24, 1887.

sions became a party question, it was inevitable that the Grand Army of the Republic should be directly or indirectly a powerful political influence.

Several events of the year 1887 showed the reaction of the Grand Army to the type of political questions in which it was especially interested. The offense which President Cleveland had given by his vetoes of private pension bills was intensified by his veto of the "dependent bill". This bill proposed to pension all honorably discharged soldiers who were disabled and dependent upon others for support, regardless of whether the disability was due to military service.[17] The veto was the subject of hot controversy. On the one hand there was the strong sentiment that a debt of gratitude[18] was due to the soldiers, that they had a special claim upon the treasury,[19] and that no Union veteran ought to be allowed to go to the poor house.[20] On the other hand was the belief that the pension system was extravagant, that it was permeated by fraud, and that its extension was due not so much to the needs of deserving soldiers as to the activity of politicians who had an eye for the soldier vote and to the work of the Washington pension attorneys.[21] Many believed with Cleveland that the country had done its duty by the soldiers when it pensioned those who had received injuries in the war, and that anything beyond this savored of class legislation. Leading Republican news-

[17] *The Iowa State Register* (Des Moines), February 3, 1887; *Fayette County Union*, February 8, 22, 1887.

[18] *Congressional Record*, 49th Congress, 1st Session, pp. 1792, 4460, 4504, 6024.

[19] Hart's *National Ideals Historically Traced*, p. 281; editorials in *The Iowa State Register* (Des Moines), January 2, 1887; *Clinton Weekly Herald*, February 24, 1887; *The Spirit Lake Beacon*, February 18, 1887.

[20] *Congressional Record*, 49th Congress, 2nd Session, p. 739; *Clinton Weekly Herald*, September 27, 1888; *Harper's Weekly*, January 29, February 12, 19, 1887; *The Nation*, February 17, 1887.

[21] *The Des Moines Leader*, February 10, 11, 18, 19, 22, 1887.

papers in most parts of the country supported the veto.[22] But in Iowa editors divided along party lines. The Republican papers, which claimed to represent the majority, bitterly attacked Cleveland as a soldier hater and a Southern sympathizer.[23] Cleveland had furnished ammunition for the latter charge by signing the bill granting service pensions to survivors of the Mexican War, a large number of whom were Southerners.

Democratic papers supported the President or remained silent. *The Des Moines Leader* thought that the President had "acted the part of a patriot." "He knows", it continued, "the kind regard in which all soldiers are now held by non-soldier citizens of all parties. . . . The feeling of respect for the soldier — indeed of absolute awe — grows with time, instead of diminishing. . . . But while this fact is ever constant in the mind of every citizen, it does not at this time justify anything which tends to weaken the country as a whole, and the soldiers along with it, or beget fraud."[24] This was from what the Republican *Iowa State Register* had called the "chief Copperhead paper of Iowa."[25] It is not surprising, therefore, that the *Register* ran such headlines as "The Devil in Print" and "Democracy Shows its Cloven Foot" when it quoted the *Chicago Times*. The latter paper, in commenting upon Cleveland's "righteous veto of the pauper pensions iniquity", thanked

[22] *The Des Moines Leader,* February 18, 19, 22, 1887, quotes a number of Republican and independent newspapers which support the veto.

[23] *The Iowa State Register* (Des Moines), February 13, 15, 17, 18, 22, 1887; *Clinton Weekly Herald,* February 17, 1887; *The Spirit Lake Beacon,* February 18, 1887. If any of the Republican papers of the State had supported the veto, Democratic papers such as *The Des Moines Leader* would hardly have failed to comment upon the fact.

[24] *The Des Moines Leader,* February 16, 1887.

[25] *The Iowa State Register* (Des Moines), February 26, 1887.

God that "the claim agents, the demagogues, the dead beats . . . . and deserters and coffee coolers and bounty jumpers, composing our great standing army of volunteer mendicants have been defeated!"[26]

In April, 1887, the Department of Iowa, Grand Army of the Republic, held its annual encampment at Dubuque. The report of the committee on resolutions discussed the claims of the soldiers in some detail: the soldiers were not ready to apologize for having saved the nation; they would never yield the claim that the men of the Union armies were "superior in every claim of remembrance and gratitude upon the Government to those who fought to destroy the Union"; the nation could not be too generous with its saviors, and the United States could afford to be generous; and no soldier should be in the poor house. The report expressed disapprobation of Cleveland's veto of the dependent bill and regret that in vetoes of private bills the President could treat the distress of the veterans with levity. The resolutions voted by the encampment thanked the Senators and Representatives who had stood by the soldiers, and added "That whereas there is marked differences of opinion as to the rights of Union veterans before the country, we believe (other things being equal) preference should be given to them by the people in selecting representatives to the National legislature."[27] At the informal "campfire meeting", speeches were made denouncing Cleveland and

[26] *Chicago Times*, February 26, quoted in *The Iowa State Register*, March 9, 1887. The *Dubuque Herald* asserted that the better class of soldiers, "not the professional ones", were opposed to the dependent bill. *The State Register* admitted that although the *Herald* was Democratic, it had hitherto been a fair and liberal paper, but it now attacked the *Herald* for approving the veto in order "to be loyal to the administration of President Cleveland at whatever cost"; and it defied it to point out any reputable soldiers who were opposed to the bill.— *The Iowa State Register* (Des Moines), February 16, 1887.

[27] *Journal of the Thirteenth Annual Encampment, Department of Iowa, Grand Army of the Republic*, pp. 99–102.

General Braxton Bragg, who had led the supporters of the veto in the House of Representatives.[28]

General J. M. Tuttle, who was elected Department Commander,[29] soon created a furor by his vigorous expression of opinion in regard to certain arrangements which were made for the National Encampment of the Grand Army of the Republic at St. Louis. A committee which had been appointed to make arrangements for the meeting was composed, according to the statement made by General Tuttle, of eight Grand Army men, five "ex-rebels", and five civilians, the majority of the whole being Democrats.[30] A sub-committee invited President Cleveland to come to St. Louis at the time of the encampment. It was suspected that this was a political move to make it appear that the Grand Army endorsed the President. When Tuttle heard of the invitation he insisted that the Grand Army of the Republic had not invited Cleveland. He later said that a Republican President, or any other man prominent in politics would not have been invited if he was not a member of the order. This was in line with the avowed policy of the Grand Army of the Republic to avoid any official action of a partisan nature. But Tuttle's animus against Cleveland was clear and his language was quite picturesque. If the invitation was accepted, he said not more than half the posts would be there, and if they did come they would snub or insult Cleveland.[31] It was also said that the Iowa general complained

[28] *Clinton Weekly Herald,* April 28, 1887; *The Spirit Lake Beacon,* April 29, 1887.

[29] Tuttle had been recommended for this position as one of the three or four greatest soldiers of Iowa by *The Iowa State Register,* March 22, 1887. For opposing views of Tuttle as an exponent of the "bloody shirt", see *The Iowa State Register* (Des Moines), May 24, 1887, and *Iowa City Post,* August 8, 1888.

[30] *The Iowa State Register* (Des Moines), June 5, 1887.

[31] *St. Louis Globe-Democrat,* quoted in *The Iowa State Register* (Des Moines), June 5, 1887.

of the large number of Democrats who had joined the Grand Army of the Republic to boom Cleveland.[32]

"The rebel press of the South", said the *Clinton Weekly Herald,* "is vigorously abusing Gen. Tuttle . . . for expressing his mind in unmistakable terms about the political scheme to have President Cleveland in St. Louis. . . . Let the rebel press howl. Gen. Tuttle talks just right."[33] All the Grand Army posts of Des Moines united in endorsing Tuttle's action in resolutions which concluded: "That if Grover Cleveland and his friends must insist upon using the prestige of the Grand Army of the Republic to obtain an audience, that he send a substitute; and, if possible, the person who represented him in the army during the war. While we respect the office he fills we must still be allowed to say that we have no kind feelings of its present soldier-hating occupant."[34] Grand Army posts and other soldier organizations throughout the State passed similar resolutions in support of Tuttle's action.[35] Cleveland declined the invitation.[36]

The protest against Cleveland's pension vetoes might be interpreted as due to purely selfish class interest of the survivors of the war, to a desire to receive financial benefits from a copiously filled treasury, which led them to convince both themselves and others that their services had not yet

[32] *Fayette County Union,* July 26, 1887.

[33] *Clinton Weekly Herald,* June 16, 1887. *The Iowa State Register,* describing the resentment of the soldiers at the officiousness of the Democratic politicians who had issued the invitation, said that the veterans proposed "to resist it and not be put in the spaniel-like attitude of kissing the hand of the Copperhead who has smitten them and their dead and living comrades with the most brutal language in the public papers ever written by a President of the United States".— *The Iowa State Register* (Des Moines), June 4, 1887.

[34] *Clinton Weekly Herald,* June 16, 1887.

[35] *The Iowa State Register* (Des Moines), June 11, 1887; *Clinton Weekly Herald,* June 16, July 14, 1887.

[36] *Clinton Weekly Herald,* July 14, 1887.

been properly appreciated or remunerated. That there was a powerful force behind these attacks in addition to any motive of self-interest was shown by the sudden resurgence of the war spirit and of war prejudices at an act of President Cleveland which involved no financial interest whatever.

Shortly after the St. Louis episode, Cleveland issued an order for the return to the Southern States of a number of captured Confederate battle-flags which were in the possession of the War Department.[37] When the order was known, all the smouldering sectionalism in the North blazed out. In the words of Senator James F. Wilson of Iowa, Cleveland, in issuing "that unlawful and unpatriotic order", had "touched the wrong note on his partisan keyboard, and started Hail Columbia instead of Dixie, as he intended."[38] It was editorially suggested that it was time to send the war debt back to the South, and that the next thing would be to "humbly beg pardon of the South for capturing those flags."[39] Governor William Larrabee, according to the report, was prepared to use all legal means to resist the order.[40] At a Grand Army reception in Brooklyn, General Lucius Fairchild, Commander-in-Chief of the Grand Army of the Republic, uttered the terrible malediction "May God palsy the hand that wrote the order, may God palsy the brain that conceived it, and may God palsy the tongue that dictated it."[41] *The Iowa State Register* expressed the opinion that in this "wonderfully thrilling appeal to the nation in the name of the Union soldiers,"[42] Fairchild

[37] Richardson's *Messages and Papers of the Presidents*, Vol. VIII, p. 578.

[38] *Clinton Weekly Herald*, August 25, 1887.

[39] *Clinton Weekly Herald*, June 23, 1887.

[40] *The Iowa State Register* (Des Moines), June 17, 1887.

[41] *Clinton Weekly Herald*, June 23, 1887.

[42] *The Iowa State Register* (Des Moines), June 16, 1887.

"came up to a great occasion with all the greatness demanded."[43]

When the Grand Army National Encampment met in the formerly "rebel" city of St. Louis, some surprise was expressed in Iowa that there were no distressing or exciting incidents arising from the Tuttle and Confederate flag episodes. A resolution to censure Cleveland was voted down. Commander-in-Chief Fairchild quoted that part of the Grand Army of the Republic constitution which forbade the use of the organization for partisan purposes, and said that so far as he knew this rule had been observed. He discussed the pension question at great length, endorsing the dependent bill as a present necessity, though intimating that he might not be ultimately averse to a general service pension.[44]

In its three round battle with Cleveland, the Grand Army of the Republic had appeared as the principal organ for expressing the will of the soldiers. If the Republican press in a strongly Republican State was a fair indication of public sentiment, the greater part of the people of Iowa endorsed the demands of the veterans and believed in giving

[43] *The Iowa State Register* (Des Moines), June 17, 1887.

Senator Sherman said: "If the president thinks this is a trifling matter he will be greatly mistaken. The sentiment of patriotism is stronger than party ties."— *Clinton Weekly Herald*, June 23, 1887. Senator Evarts described the return of the flags as "rank treason".— *Clinton Weekly Herald*, July 7, 1887. The *Dennison Review* insisted that the Union soldiers had not "shown proper self-appreciation," and that they were too tolerant of encouragement to the rebel South. "This is not a matter of getting office or pensions — it is far above and beyond that. It is an insistence that the memory of the dead shall not be defiled". It concluded that the Grand Army of the Republic ought to resent these insults.— Quoted in *The Spirit Lake Beacon*, July 22, 1887. Cleveland rescinded the order on the ground that action by Congress was necessary before it could be legally executed.— Richardson's *Messages and Papers of the Presidents*, Vol. VIII, p. 579. The flags were returned without protest in 1905.— Rhodes's *History of the United States from Hayes to McKinley*, p. 304.

[44] *Clinton Weekly Herald*, October 6, 1887.

them what they wanted. In this sense appeals to the soldier vote were appeals to all that part of public opinion which thought and felt in terms of the Civil War. Public sentiment approved or acquiesced in the efforts of interested parties to get more pensions or civil service positions for the soldiers, and it voted them into office.

The Iowa Department of the Grand Army of the Republic had resolved that soldiers should be preferred in elections to office. This idea was widespread among other citizens than the soldiers. The death of Logan focussed public attention upon the soldier delegation in the Senate of the United States, where ex-Confederates far outnumbered the Union veterans.[45] It was said to be the duty of Iowa which had sent eighty thousand soldiers into the field, to elect a successor to Senator Wilson who would represent them. This led some who professed to be perfectly satisfied with Wilson except for the fact that he had no military record, to suggest candidates with military records who could represent the blue in the Senate chamber.[46] That a military

[45] The *St. Louis Republican* spoke of the irreparable loss which the Republican party in the West had suffered by the death of Logan, claiming that no other Republican could influence this region as he did. "Senator Sherman, of Ohio, is the ablest of the Western republicans, ... but he has no war record as Logan had to attract the ex-soldiers. . . . Logan's death leaves a vacancy in the Grand Army of the Republic, in the still mightier host of union veterans scattered over the land, which Sherman and Farwell and Windom and all the other statesmen and politicians of the party cannot fill."— Quoted in *The Des Moines Leader*, January 29, 1887. The *Leader* complained that the Republicans, who claimed to love the soldiers, had difficulty in finding soldiers "capable of taking proper care of the interests of corporations", and that they therefore elected civilians.— *The Des Moines Leader*, January 15, 1887. On the "Southern brigadiers" in the Senate, see editorials in *The Iowa State Register* (Des Moines), January 27, 28, 1887.

[46] Briggs's *William Peters Hepburn*, p. 140; *The Iowa State Register* (Des Moines), January 8, 12, 21, 23, March 3, 1887; *Clinton Weekly Herald*, January 20, 1887. *The Spirit Lake Beacon*, which favored Wilson, insisted that the "soldier for Senator" boom was not engineered by the soldiers at all, but that the veterans were satisfied with Wilson's record.— *The Spirit Lake Beacon*, February 18, 1887.

record was a reason why a candidate should receive votes was taken for granted. A strong point in favor of the Republican State ticket in 1886 was that all the candidates were soldiers except one, and he was only seven years old when the war began.[47] The soldiers, it was claimed, ought to vote for Professor H. W. Sawyer for State Superintendent because "he wore the blue with honor, and was almost mortally wounded" in 1863.[48]

With this sort of feeling prevalent, it was to be expected that soldiers would be found holding elective offices out of all proportion to their numbers. The *Iowa City Post,* a Democratic paper, during the few months preceding the election of 1888 published a series of brief biographies of prominent political leaders most of whom were running for office. Of thirty men described, fourteen had been Union soldiers, one had fought in the Confederate army, and fifteen were without military records. The Republicans showed a higher proportion of military records than the Democrats.[49] Of twelve "possible presidents" whose chances at the Republican National Convention of 1888 were discussed by the *Clinton Weekly Herald,* half the number had been soldiers.[50] In the Twenty-second General Assembly, twenty-one of the fifty State Senators and thirty-five of the one hundred State Representatives had military records.[51] In the Iowa delegation to Congress, the soldiers

[47] *Clinton Weekly Herald,* September 2, 1886.

[48] *Fayette County Union,* November 1, 1887. An apparently common attitude in regard to a military record as a qualification for office is reflected in the editorial paragraph: "The views of Gen. Bate, United States Senator-elect from Tennessee, on public questions are not generally known, but it is remembered that he had three horses shot under him at Chickamauga."— *Clinton Weekly Herald,* February 3, 1887. See also *The Spirit Lake Beacon,* August 31, 1888; *The Fort Dodge Messenger,* August 30, 1888.

[49] *Iowa City Post,* July, August, September, October, 1888, *passim.*

[50] *Clinton Weekly Herald,* March 8, 1888.

[51] *Iowa Official Register,* 1888, pp. 60–67.

fared better. The Congressional directories, beginning with the 47th Congress which was elected in 1880 and ending with the 50th Congress which was elected in 1886, showed only one Iowa delegation to the House of Representatives in which the soldiers were not a majority. Of the twenty-eight individuals whose names appear in these delegations, only thirteen had military records, but the tenure of the soldiers was more permanent; they accumulated until in the 50th Congress eight of the eleven were Union veterans.

As it was held to be the duty of the voters to elect soldiers to office, so it was considered to be the duty of the administration to appoint them to civil service positions. In this respect each party claimed to have outdone the other, and produced statistics to support its claim.[52] Preference for veterans was a prominent phase of the civil service question as it appeared in the party discussion in Iowa.

War issues and the veterans were prominent in the party conventions of 1888. When the Democratic National Convention met at St. Louis, correspondents of the Republican Iowa newspapers looked for and claimed to have discovered signs of disloyalty. There was only one Union soldiers' organization in the parade. It was reported that when the band played "Dixie", it was enthusiastically applauded by the convention; that when it played "America", there was no response except from the gallery; but that when it played "God Save the Queen", it was encored.[53] Both of the candidates were "civilians". "No soldier need apply was

[52] For the Republican side of the argument see: *Clinton Weekly Herald,* July 28, September 29, 1887, May 31, October 18, 1888; *The Iowa State Register* (Des Moines), January 7, February 26, April 2, 1887; *The Cedar Falls Gazette,* October 19, 1888; *The Spirit Lake Beacon,* February 24, August 17, 1888. For the Democratic side see: *Fayette County Union,* September 13, 1887; *Iowa City Post,* October 24, 1888; *Cedar Rapids Standard,* October 18, 1888.

[53] Quoted in *Clinton Weekly Herald,* June 14, 1888.

substantially the notice served upon Black, Vilas and Stevenson at St. Louis," said the *Clinton Weekly Herald.*[54] The pension resolution merely endorsed the party's record. "While carefully guarding the interests of the tax-payers and conforming strictly to the principles of justice and equity," it said, the Democratic party "has paid out more for pensions and bounties . . . . than was ever paid before during an equal period."[55]

The Republican National Convention voted to give two hundred tickets to the Grand Army of the Republic. Half of the leading candidates for the Presidency were soldiers.[56] The pension plank of the platform declared that the gratitude of the loyal people should make it impossible that any Union veteran should "become an inmate of an almshouse, or dependent upon private charity;" that "in the presence of an overflowing treasury, it would be a public scandal to do less for those whose valorous services preserved the Government." It denounced Cleveland's pension vetoes and the action of the Democratic House of Representatives which refused to consider pension legislation.[57] A newspaper condensation of the platform paraphrased this plank in the sentence: "We believe that nothing is too good for the soldiers who risked their lives to save our country".[58]

The Iowa State platforms were similar to the national platforms in their appeal to the soldiers.[59] At the Republican State Convention the temporary chairman, General Tuttle, delivered a speech which was described as relating chiefly to "pensions and protection." He advocated the

[54] *Clinton Weekly Herald,* June 14, 1888.

[55] Stanwood's *A History of Presidential Elections* (Fourth Edition), p. 435.

[56] *Clinton Weekly Herald,* June 21, 28, 1888.

[57] Stanwood's *A History of Presidential Elections* (Fourth Edition), pp. 444, 445.

[58] *New York Press* quoted in *The Spirit Lake Beacon,* July 27, 1888.

[59] *Clinton Weekly Herald,* May 10, August 30, 1888.

reduction of the surplus by payment of pensions to all honorably discharged soldiers.[60] This speech and the platforms showed a respect in which the Republicans had their opponents at a disadvantage. If the protectionist Republicans spent money for pensions, they would reduce the surplus without reducing the tariff, and at the same time gain soldier votes. The Democratic tariff reformers wanted to reduce the surplus by revising the tariff downward. As the party of economy, the Democracy must be more parsimonious in pension expenditures. It was hard to satisfy both soldiers and free traders.

In the canvass for votes which followed the conventions both parties claimed to be friends of the soldiers, favoring pensions and veteran preference in the civil service.[61]

The presidential candidates afforded opportunity for odious comparisons. The Cleveland of the campaign was composed of two distinct personalities. Viewed through Democratic glasses there was the conscientious and firm statesman who desired to do full justice to the veterans, but who detested fraud and who believed that the pension roll

[60] *Clinton Weekly Herald,* August 23, 30, 1888.

[61] Republican papers printed statements of the votes on important pension bills which had been before Congress, from the Arrears Act of 1879 to the dependent bill of 1887, to show that the Republican party was responsible for all the important pension laws, and that the Democrats were responsible for the failure of bills that had not passed.— *Clinton Weekly Herald,* September 6, 1888; *The Cedar Falls Gazette,* October 5, November 2, 1888. It was claimed that on the eve of the election, Democratic pension claimants were being promised that their claims would be taken care of if they would vote the Democratic ticket.— *The Iowa State Register* (Des Moines), November 2, 1888. Democratic papers claimed that although the Republicans said more about their love of the soldiers, Democrats did more for them.— *The Des Moines Leader,* January 21, February 1, May 25, 1887; *Fayette County Union,* May 31, July 12, 26, August 2, 9, 30, 1887. Efforts were made to prove that nearly all the Union soldiers during the war were Republicans.— *Clinton Weekly Herald,* December 8, 1887. It was also claimed that they were not all Republicans by any means. — *The Des Moines Leader,* November 3, 1888; *The Fort Dodge Messenger,* September 20, 1888.

should be "The Republic's roll of honor". He was the soldier's true friend, and although he had vetoed many undeserving claims, he had signed more pension bills than any Republican President.[62] Republicans depicted Cleveland as a sort of ogre who heartlessly vetoed bills for the relief of needy veterans and their helpless dependents, occasionally mocking their misery by cruel sarcasm.[63] He favored rebels at the expense of patriots.[64] Instead of going to the front during the war, he had hired a substitute, whom he later allowed, with base ingratitude, to die in a poor house.[65] Soldiers and other patriots should have a poor opinion of a President who failed to pay his respects to the tomb of Lincoln when he made a tour of the West, and who went fishing on Decoration Day.[66]

Republican papers described a scene at the national encampment of the Grand Army of the Republic which showed how the soldiers reciprocated Cleveland's alleged hostility. A dispatch was received from the President declining an invitation to be present. Some one wanted to know if he had sent a substitute. A motion was made to refer the telegram to the Committee on Pensions. A comrade inquired who had invited him. The Commander-in-Chief and the other officers did not know. This pleasant announcement

[62] Article by Jos. W. Kay in *Grand Army Review*, quoted in *Iowa City Post*, October 24, 1888. See also *Iowa City Post*, July 25, September 19, 1888; *Fayette County Union*, January 18, 1887.

[63] *The Spirit Lake Beacon*, June 15, August 3, 1888; *The Fort Dodge Messenger*, August 16, October 18, 1888; *Clinton Weekly Herald*, September 20, 1888.

[64] *The Spirit Lake Beacon*, August 17, 1888; *Clinton Weekly Herald*, October 18, 1888. See note 56.

[65] *Clinton Weekly Herald*, July 14, August 4, 1887, September 20, October 25, 1888; *The Anamosa Eureka*, October 11, 1888.

[66] *The Anamosa Eureka*, October 20, 1887; *Clinton Weekly Herald*, June 23, October 20, 1887.

was followed by shouts and applause such as had "not been heard in a Grand Army meeting for some years".[67]

In pleasing contrast to the Republican version of Cleveland was General Benjamin Harrison, "the typical volunteer soldier of America".[68] In his letter accepting the nomination he stated that he was "heartily in sympathy with the declaration of the convention upon the subject of pensions," and that he favored veteran preference in appointments.[69] He was constantly called upon by delegations of soldiers who assured him of their support.[70] In his speech to the delegates of the National Association of Ex-Prisoners of War his sympathetic allusions to their sufferings caused many of his hearers to weep.[71] General Sherman said that "every man who fought for the preservation of their government" ought to vote for Harrison and Morton.[72] The Democrats had not the materials with which to construct a second Harrison whose malignity toward the soldiers would offset that of the second Cleveland.

In Iowa, as elsewhere, the tariff was clearly the principal issue in the election of 1888. The persistent harping upon the soldiers, the Southern election frauds, the "Confederate

[67] *The Fort Dodge Messenger,* September 27, 1888; *Clinton Weekly Herald,* September 20, 1888.

[68] *The Fort Dodge Messenger,* July 5, 1888; compare *The Spirit Lake Beacon,* June 29, 1888.

[69] *Clinton Weekly Herald,* September 13, 1888.

[70] *Clinton Weekly Herald,* July 5, August 30, September 20, 27, October 4, 11, 25, 1888.

[71] *Clinton Weekly Herald,* September 20, 1888.

[72] *The Spirit Lake Beacon,* July 6, 1888; *Clinton Weekly Herald,* June 28, 1888. In a statement of the reasons why the Republican should win, the first item was that there was no soldier on the Democratic ticket; other reasons were that Thurman was a Copperhead and Harrison was a soldier.— *Albany Journal* quoted in *The Spirit Lake Beacon,* July 20, 1888. "A soldier of the Union army is to lead the republican party against a Copperhead. Rally 'round the flag boys!"— *The Fort Dodge Messenger,* July 5, 1888.

brigadiers'' or other old issues can be explained partly by the absence of clear cut new lines of party division. The dominating interest in the tariff became clearer as the election approached, forcing other questions back to a position of less importance. But the soldiers were by no means forgotten on the eve of the election. Editors who had devoted their main efforts toward the education of the public to an appreciation of protective tariffs or the necessity of reducing them, took pains to remember the veterans when their ballots were about to be cast.[73] The *Clinton Weekly Herald* printed a letter purporting to have been written by a savior of the country who explained that the failure to do justice to the veterans was due to Southern rebels in Congress, abetted by an Executive opposed to pension legislation. ''Comrades,'' he urged, ''let every soldier be at the polls Tuesday and vote for his own interests, and the work will be done.''[74]

The work was done to his satisfaction. Harrison carried Iowa with a majority over Cleveland of more than 30,000.[75] Ten of the eleven Representatives elected were Republicans. Eight of the Republicans were soldiers.[76]

When the results of the voting were known, editors discussed the meaning of the Republican victory. To *The Iowa State Register* it meant three things: (1) a rebuke to free trade; (2) a rebuke ''to the unpatriotic course of the administration toward union soldiers and their dependent wives and children. No man who insults the defenders of the union as Mr. Cleveland has wantonly done, can ever be pres-

[73] *The Iowa State Register* (Des Moines), November 2, 3, 1888; *The Cedar Falls Gazette*, November 2, 1888; *The Des Moines Leader*, November 4, 1888.

[74] *Clinton Weekly Herald*, November 1, 1888.

[75] *The Iowa Official Register*, 1889, p. 192.

[76] *Congressional Directory*, 51st Congress, 1st Session, pp. 39–42; *Clinton Weekly Herald*, November 15, 1888.

ident a second time;'' (3) a protest against prostitution of public service for partisan purposes.[77] Since discussions of the civil service in Iowa had emphasized Cleveland's removal of Union soldiers to make room for ex-Confederates, the third point like the second related to the soldier question. ''No more vetoes of deserving soldiers' pensions, after next March'',[78] and ''Free Trade, Pension Vetoes and Humbug Reform Did the Business''; were the comments of other papers.[79]

A vigorous appeal had been made in the election both to the soldiers' emotions and to their interests. The survival of the Civil War tradition twenty-three years after the conclusion of the military operations shows the near relationship of the history of the soldier vote on its sentimental side to the history of the ''bloody shirt''. The material interests of the veterans were affected both by pensions and like legislation and by appointments to office. The latter makes the soldier question overlap the civil service issue.

It is impossible to determine with accuracy in a given election which way the soldiers voted; it is equally impossible to tell how many of them voted as they did because they were soldiers, or because they heeded the demonstrations by which either party offered to prove itself the veteran's best friend. Even if these things could be tabulated, it would by no means tell the whole story. In addition to the soldier vote proper, there was the sympathetic vote composed of those who believed that the veterans deserved special favors of the government and the public. This class may have been much more numerous than the soldiers themselves. The blandishments of the politician were intended to attract both.

[77] Quoted in *The Fort Dodge Messenger,* November 15, 1888.

[78] *Clinton Weekly Herald,* November 15, 1888.

[79] *The Spirit Lake Beacon,* November 9, 1888.

In the absence of more exact statistical information, there are several rather clear indications of the strength of the soldier vote in the larger sense of the term. Editors, whose business was to interest and influence the public, and platform writers and political speakers, whose business was to know what could attract votes, clearly attached great importance to it. The large proportion of soldiers among those nominated or elected to office shows the extent to which the estimates of editors and politicians were correct. The Republicans were able to offer the greater inducements to the soldiers and their sympathizers. They won the election by a majority only three-fourths as great as the number of soldiers in the State. It is probably no exaggeration to say that the soldier question in its various phases was more important in determining the result of the election of 1888 in Iowa than any other issue except the tariff.

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SOME MATERIALS FOR THE STUDY OF IOWA ARCHEOLOGY

The present paper aims not so much to show what has already been done in the field of Iowa archeology as to suggest some of the possibilities of future study. Brief reference, however, to the trend of investigations in the past will show the necessary background for future work and contribute to a better appreciation of present problems.

Research in Iowa antiquities was most general and active, at least in so far as this resulted in published papers, during the seventies, eighties, and early nineties of the last century. The work centered in the Davenport Academy of Sciences or was inspired pretty largely from that source. Important discoveries in the way of curved-base pipes, copper axes, inscribed tablets, and other objects, mostly from the mounds of Scott and Louisa counties, made the Davenport Academy known nationally, even internationally, and aroused to activity a considerable part of the scientific talent of the State. The contributors to the early volumes of the *Proceedings* of the Academy formed a notable group indeed: C. E. Putnam, R. J. Farquharson, John Gass, Wm. H. Holmes, Charles E. Harrison, W. H. Pratt, Frederick Starr; and it is impossible not to feel in their papers and discussions the inspiration under which they worked.

Aside from these writers directly connected with the Davenport Academy, a rather numerous body of students was carrying on the traditions of mound investigation in nearly all parts of the State, and the results of their researches, in part at least, reached the public through vari-

ous avenues of publication. T. H. Lewis reported and described a large group of effigy mounds near North McGregor;[1] W J McGee surveyed a second group of effigies near Farley;[2] Clement L. Webster investigated extensively the mounds of Cerro Gordo, Floyd, and Chickasaw counties;[3] S. B. Evans reported on the mounds of the Des Moines Valley and elsewhere;[4] Charles Negus supplied much new information on the mounds of Jefferson and other counties;[5] the antiquities of Mills County received the attention of Seth Dean;[6] and the evidences of man's antiquity in Iowa were examined by Professor Samuel Calvin.[7]

In two notable papers published in 1897, Professor Starr lists these and many other papers having to do with Iowa antiquities, and gives a brief but definite summary of their contents.[8] The bibliography catalogues two hundred and

[1] *Lewis's Effigy Mounds in Iowa* in *Science*, Vol. VI (1885), No. 146.

[2] McGee's *The Artificial Mounds of Northeastern Iowa, and the Evidence of the Employment of a Unit of Measurement in their Erection*, in *The American Journal of Science and Arts* (Third Series), Vol. XVI (1878), pp. 272–278.

[3] Webster's *Ancient Mounds and Earth-works in Floyd and Cerro Gordo Counties, Iowa*, in the *Annual Report of the Smithsonian Institution*, 1887, Pt. I, pp. 575–589; Webster's *Indian Graves in Floyd and Chickasaw Counties, Iowa*, in the *Annual Report of the Smithsonian Institution*, 1887, Pt. I, pp. 590–592; Webster's *Ancient Mounds at Floyd, Iowa*, in the *American Naturalist*, Vol. XXIII (1889), pp. 185–188; Webster's *Aboriginal Remains Near Old Chickasaw, Iowa*, in the *American Naturalist*, Vol. XXIII (1889), pp. 650–655.

[4] Evans's *Notes on Some of the Principal Mounds in the Des Moines Valley* in the *Annual Report of the Smithsonian Institution*, 1879, pp. 344–349.

[5] Negus's *Antiquities* in *The Annals of Iowa* (First Series), Vol. V, pp. 840–841; Negus's *The River of the Mounds* in *The Annals of Iowa* (First Series), Vol. XII, pp. 253–268.

[6] Dean's *Antiquities of Mills County, Iowa*, in the *Annual Report of the Smithsonian Institution*, 1881, pp. 528–532.

[7] Calvin's *Prehistoric Iowa* in *Iowa Historical Lectures, 1892*, pp. 5–29.

[8] Starr's *Bibliography of Iowa Antiquities* in the *Proceedings of the Davenport Academy of Natural Sciences*, Vol. VI, pp. 1–24; and Starr's *Summary of the Archaeology of Iowa* in the *Proceedings of the Davenport Academy of Natural Sciences*, Vol. VI, pp. 53–124.

twenty-four titles, and the summary, covering sixty-nine pages of the *Proceedings,* affords a very satisfactory view of Iowa archeology from the beginning to the date of publication. Intended by their author more as the foundation for future research than as a retrospect of past accomplishments, these two papers were, nevertheless, the summary and, in a sense, the valedictory of an epoch that had closed. The fact that during the years 1903–1906 some excellent work in mound surveys and investigations was done in Johnson, Iowa, and Dickinson counties by Dr. Duren J. H. Ward, under the direction of the State Historical Society of Iowa, can not change this essential truth.[9] The early members of the Davenport Academy had passed away or were scattered, and the work of Dr. Ward, for the State Historical Society, was too soon interrupted by his removal from the State. That the interest of the State, however, was aroused by the work of Dr. Ward, is evidenced by the fact that the General Assembly in 1904, in restating the purposes of the State Historical Society of Iowa, added as a function, the "carrying out of a systematic and scientific anthropological survey of the state."[10] The interest was sufficient, furthermore, to lead to the organization, in October, 1903, of the Iowa Anthropological Association.

[9] The following articles by Dr. Ward written in connection with, and as a result of, the investigations mentioned were published by the State Historical Society of Iowa: Ward's *Historico-Anthropological Possibilities in Iowa* in the IOWA JOURNAL OF HISTORY AND POLITICS, Vol. I, pp. 47–76; Ward's *Anthropological Instruction in Iowa* in the IOWA JOURNAL OF HISTORY AND POLITICS, Vol. I, pp. 312–328; Ward's *Some Iowa Mounds — An Anthropological Survey* in the IOWA JOURNAL OF HISTORY AND POLITICS, Vol. II, pp. 34–68; Ward's *The Problem of the Mounds* in the IOWA JOURNAL OF HISTORY AND POLITICS, Vol. III, pp. 20–40. The investigation and relics of the Okoboji Mounds in Dickinson County were discussed in detail at the second yearly meeting of the Iowa Anthropological Association at Iowa City in 1905. The proceedings of this meeting are reported by Dr. Ward in the IOWA JOURNAL OF HISTORY AND POLITICS, Vol. III, pp. 422–458.

[10] *Laws of Iowa,* 1904, Ch. 117.

Nevertheless, though fine work had indeed been done, Iowa had not proved itself ready as yet to undertake and support a really comprehensive archeological survey, not even of the mounds, the one type of antiquities with which the earlier writers had been chiefly concerned. A rough analysis of the titles listed in Professor Starr's bibliography will be useful as showing the direction taken by the researches of this first epoch. Of the two hundred and twenty-four papers, one hundred and ninety-seven are concerned with the mounds or their contents; of the other twenty-seven, eight treat of the modern Indian tribes, two deal with the lodge circles of the Missouri Valley, five with rock inscriptions, seven with shell heaps or kitchen middens, four with implements found in so-called "loess" deposits, and one with five artifacts of supposedly paleolithic type from near Bonaparte, the exact origin not indicated. Dr. Ward's work also had to do with the mounds or with the present-day Indian tribes. These facts are striking and show that the writers of Iowa archeological history have generally held that any reconstruction of the prehistoric past depends primarily on mound exploration. One need not wonder too much at this, for it was not the Iowa scholars alone who for two generations lived under the influence of such works as Squier and Davis's famous report "The Ancient Monuments of the Mississippi Valley".[11] The antiquities revealed by this work, great enclosures with earthen ramparts, great mounds that produced wonderful treasures in sculptured stone, wrought copper implements and ornaments, broad knives of obsidian and chalcedony — were not these surely the products of a greater and more cultured people than any the white man had met upon the American continent? Thus a vanished race of mound builders became fixed in the imagination and in the liter-

[11] *Smithsonian Contributions to Knowledge*, Vol. I (1848).

ature of the new people who occupied the lands and upset the cultures of the old.

Nevertheless, facts and observations gradually undermined the theory that the mound builders were a separate people, and tended to establish the red man as the one race that had occupied the Western World and whose very diverse monuments remain throughout the two Americas. But if the American Indian built the mounds, and if it is his past that we are studying, then not the mounds only become, but everything that this past produces becomes, the object of our quest: the mounds, the cave deposits, the village and camp sites with their hearth stones, lodge circles, workshops, garden beds, cornfields, and kitchen middens, the cemeteries, the remnants of old trails, the innumerable objects of his use, most of which never found their way into the mounds — all these things become the real subject matter of American archeology. With this new assumption — and nothing about or within the mounds justifies any other — the whole question of mounds and mound builders is seen in a new perspective and the whole subject of American archeology acquires a new unity and a new breadth.

The mounds are important. I should desire to be the last one to derogate anything from the fruitful and inspiring work done upon them. Iowa, at least, would scarcely be known as a field for archeological research except for the past interest in mound exploration and the important finds which happily resulted from the excavations. The fact remains, however, that while the mounds occupied the focus of attention other resources of our archeology remained comparatively untouched or received no consideration whatever. At best any reconstruction of the life of Iowa's prehistoric man is difficult and likely to remain fragmentary. Our climate does not favor the survival during long periods of time of articles, for example,

of wood, fabric, or even bone. If it were necessary to depend entirely on the mounds for our reconstruction, only a fraction of what may possibly be learned would ever come to light. Whole classes of mounds contain no deposits whatever. Moreover, only a part of the ancient burials were made in mounds, and of this part the majority were unaccompanied by the objects with which the living had to deal. Furthermore, so far as Iowa, at least, is concerned, whole categories of artifacts have never been found represented in the mounds at all. The spade has been called the chief instrument of archeological research; it probably is such, as a rule. In Iowa, however, the plow has rather the best of it, with its work followed up by the dash of spring rains and the wash of swollen streams. Some further considerations will, I believe, make this clear.

Before attempting to discuss the resources of Iowa archeology, I would hasten to say that I pretend to know these only in part. Iowa is a big State and no one, so far as I know, has ever comprehended its archeological possibilities as a whole. My own knowledge is somewhat intensive only in the region of the middle Iowa and Cedar rivers. Outside of this area my conceptions are based on a limited amount of field work in Hancock County and in the McGregor region, on the inspection of many locally collected materials in various parts of the State, on correspondence, and of course on the published literature already mentioned. Lack of materials from many localities, or rather lack of acquaintance with any materials, necessarily limits my view of the field and renders many of the general statements in this paper more or less tentative.

It will be safe to say, however, that in its archeology, as in its biology, Iowa is a meeting ground of North and South, East and West. The materials available quite definitely connect us with culture areas extending far beyond our

boundaries and, inasmuch as we almost surely have some native and original developments in addition, the whole situation presents features as amazing in their complexity as they are fascinating in their detail. For the purpose of a brief summary of features, four rather distinct culture areas may be tentatively recognized: the McGregor or Upper Mississippi, the Davenport or Lower Mississippi, the Plains, and Lower Iowa. Definite boundary lines are, of course, lacking and there is overlapping of types in these regions, both in respect to the earthworks and the artifacts; nevertheless, typical showings of the antiquities from each area are distinct enough and even a novice could scarcely confuse them.

The McGregor region is first of all distinguished by a wonderful series of effigy and linear mounds, doubtless a westward extension of the Wisconsin tradition. On the Iowa side the effigies lie in groups, or in connection with mounds of other types, along the Mississippi terraces and bluffs from the Minnesota line to at least the vicinity of Farley. The forms represented are generally the bird and the bear, though a few bison occur, and possibly several long-tailed specimens may be panther or otter. There are some scores of these effigy mounds, probably a few hundred in all. The number of linears is apparently smaller. Of the mounds with circular bases, or conicals, there are many hundreds, both along the Mississippi and its various tributaries. These have not been very productive of relics, and the linears and effigies produce none at all, except those due to chance intrusion. A few large enclosures with embankments and ditches occur on the Upper Iowa. These are now, I believe, nearly cultivated out of existence. The other earthworks, however, especially the linear and effigy mounds, are generally in a good state of preservation and the chief problem concerning them is to keep them as they

are. In so far as the National Park project fails to do this, the State should take a hand. Adequate surveys and illustrations of the remarkable mound groups of this region are still lacking, though Mr. Ellison Orr, of Waukon, is getting this work well in hand.

The field relics of the McGregor area, the chipped flint implements, the celts, and the grooved axes, are neither especially numerous nor of especially fine workmanship. The axes are generally of the all-around grooved type, the least specialized of the various ax forms. The products of the village sites and cemeteries on the other hand, especially those on the terraces of Turkey and Upper Iowa rivers, are noteworthy and will hardly fail to attract considerable attention when they become generally known. These consist, in part, of large and fine arrow-shaft grinders of sandstone, large knives and spearheads of dark brown chalcedony, gorgets, pipes, and pottery vessels. At least one engraved tablet of catlinite and one boatstone of diorite have also been found. The pottery of the Upper Iowa, a part of which has been described in a notable paper by Mr. Orr,[12] is abundant and comparatively well preserved, the smaller vessels coming from the cemeteries and the larger ones, up to sixteen inches or more in diameter, from the village sites. The carved stone pipes, largely from the cemeteries and rather numerous for this class of artifacts, are of great variety of form and fineness of finish. They are of three types, at least, the straight-based monitor, the effigy, and the smaller-sized red catlinite calumet. Seven collections of McGregor area materials, containing about four thousand specimens of all kinds, are known to me, and of these only the pottery of Mr. Orr's collection has appeared in the literature of Iowa archeology.

[12] Orr's *Indian Pottery of the Oneota or Upper Iowa River in Northeastern Iowa* in the *Proceedings of the Iowa Academy of Science* for 1914, Vol. XXI, pp. 231–239.

The antiquities of the Davenport area represent a culture very much in contrast with that which we have just considered. Effigy and long linear mounds appear to be quite lacking and some of the conical sepulchral mounds are here richly productive, a fact on which rests the fame of the Davenport Academy collections. These contain no less than thirty-four pipes of the so-called mound builder type, the type with curved platform base surmounted either by a plain bowl or an animal effigy; no less than thirty-three copper axes, several still covered in part by the cloth in which they were wrapped; several hundred copper and shell beads; three inscribed tablets; some miscellaneous copper and bone implements. The only other large find of relics like these, like the pipes especially, was that made by Squier and Davis near Chillicothe, Ohio, during the forties and, as most of this found its way to England, these Scott and Louisa county collections are, I believe, the largest and most important of their kind to be found in any American museum. The time has perhaps come when these relics should be reëxamined and fully illustrated by methods which were not known to the workers of the seventies and eighties. In antiquities not found extensively in the mounds (chipped implements, grooved axes, hammerstones, and celts) the Davenport Academy has also rich series which have scarcely appeared in the literature. Of these some three thousand specimens are on exhibit and many more are in storage. I have no knowledge of other collections of scientific value in this area. A large collection in Muscatine was unfortunately left without data at the death of its owner. Many mounds along the Mississippi are still unopened and may possibly be still preserving objects as important as those which produced the furor of forty years ago.

The Plains area of Iowa is known to me only through the

scant literature, three small collections of material and a number of scattered objects — some one thousand specimens in all. Mounds of the conical type are numerous, especially along the bluffs of the Missouri, though the level country is also well supplied. A fine group, for example, stands on some vacant lots in Webster City. So far as I know, the mounds have produced but few relics, though apparently sepulchral in purpose. A mound near West Okoboji Lake was thoroughly explored by Dr. Ward and his party and found to contain about thirty burials, both ancient and modern.[13] Lodge circles so-called — excavations over which the lodges of the Plains Indians were erected — exist from at least as far south as Glenwood to the Dakota line, and with these are sometimes associated stone circles and boulder effigies. The last represent animals or reptiles of large dimensions and are made of boulders sunk nearly flush with the present surface. The most characteristic implements found appear to be the granite hammerstones and mauls. The grooved axes are not highly specialized, as a rule, and many of them are made of the more friable materials, as granite and hornblende schist. Some of finely polished greenstone come from the Emmetsburg region, but these, too, lack high specialization of form. The materials available are really too scant, however, for very safe generalization.

The Lower Iowa area includes, for present purposes, the valleys of the middle Cedar, Iowa, and Des Moines rivers. Probably that part of lower Iowa lying west of the Des Moines River nearly to the Missouri also belongs to this area, but the few artifacts examined permit of no confident statement. Mounds are very numerous, standing generally on both the terraces and bluffs of the rivers, and are mostly

[13] A discussion of these remains may be found in the IOWA JOURNAL OF HISTORY AND POLITICS, Vol. III, pp. 427–444.

of the conical type in groups or rows of from two or three to twenty mounds each. Dr. Ward listed three hundred mounds on the Iowa between Iowa City and West Amana, a distance of about thirty miles; seventy-one are distributed along the Cedar within six miles of Mt. Vernon; eighty-four stand within the township in which Cedar Rapids is located; and there is no reason to believe them less numerous in other localities. Many show no traces at all of burials, others contain a small heap of bones which were clearly deposited as such, some only a few burned stones and pieces of charcoal; very few have produced any implements or ornaments. A small number of elliptical mounds exist, but real linears and effigies have not come to light. Nevertheless, few areas in this or any State have produced more of the work of the primitive Americans than has this Lower Iowa area.

The materials located and, for the most part, examined come from about Moscow to Vinton on the Cedar River, Lone Tree to a little above Marshalltown on the Iowa, and Keosauqua to Boone on the Des Moines. From the Cedar River ten fairly large collections of from two hundred to a thousand specimens each are known, and forty-six smaller collections — some six thousand objects in all. From the Iowa River there are twenty larger and one hundred forty-four smaller collections with a total of over twenty-two thousand specimens. Only one Des Moines River collection is known to me, but its contents are from widely distributed localities and are probably typical; it contains about two thousand specimens. Of the total of more than thirty thousand artifacts, less than one hundred are mound products; the others are either turned up from the fields or are excavated from cellars, cisterns, railroad cuts, or, more purposefully, from the Indian cemeteries, wherever it is possible to locate these. The great majority are from the hilly country next to the rivers themselves. The farmer and the

farmer's boys and girls are generally the collectors of these materials and most of them remain at this time in their hands. Some of the collections are catalogued; some are not; all possess scientific value as long as anyone still lives who knows the details of their history.

What now are these field and cemetery materials? One might answer, in brief, that they include most of the forms of chipped and ground stone found in the upper Mississippi Valley, but with certain classes, such as flint hoes and spades, discoidals, and boatstones, conspicuously absent; while other forms, such as chipped arrowheads, spearheads, knives, drills, and scrapers, ground celts and grooved axes, are developed in a variety of forms and fineness of materials hardly surpassed, and possibly not equaled, elsewhere. Without straining at over-nice distinctions in form I have thus far listed over one hundred types of chipped implements and over fifty of celts and grooved axes. Not satisfied with mere purposes of utility, the flint workers and ax makers of lower Iowa simply played with their art, now chipping deep and narrow notches in their flint implements, now beveling and twisting their blades, or concaving, convexing, or indenting their bases, now cutting on their celts and axes unnecessary facets and angles, little depressions and protuberances, and then frequently bringing to a high polish the whole implement, even the grooves and the flattened or rounded poll — all this apparently rather to satisfy the taste of the master craftsman than to fashion an article of use. In the matter of grooved axes especially, I believe that lower Iowa is likely to prove the classic region of highest development. Not in form only, but also in materials used and in the range of sizes, did the ancient artisan show his interest in the grooved ax. He rarely chose granite as his material, but rather the finer and tougher diorite or diabase, and sometimes even hematite, porphyry, flint, and quartz. An

ax of four ounces weight was not too small to claim his attention, nor did he wince at a small boulder which would give him a finished product weighing thirty-two pounds. In other forms of artifacts too the Iowa workman was inclined to choose harder and more refractory materials than were ordinarily used for related forms elsewhere. We do not have a large number of banner stones and perforated gorgets, but nearly all of those found are of diorite, porphyry, quartz, or hematite; only two specimens are of the soft banded slate common in the States east of the Mississippi. Other antiquities must be merely mentioned: the rather numerous small hematite celts; the stone balls and hammerstones; the few arrow-shaft grinders, gouges, pestles, mortars, plummets, birdstones, and pipes; the small amount of copper; the large number of pottery fragments — for entire vessels are scarce — from the village sites and cemeteries; the camp and village sites themselves in their sightly situations along the rivers; the cemeteries on the sandy terraces of streams, where occasionally the wash of high waters may disclose them. These are some of the materials for future study; there are many others that resist ready classification.

Further materials from the State at large, though in comparatively small amount, exist in the collections of various public institutions. The Historical Department at Des Moines has most of these, about two thousand five hundred specimens, representing a large variety of forms. Small collections, though important, are preserved in the American Museum of Natural History, the Museum of the American Indian, the Peabody Museum of American Archeology, the Andover Museum of American Archeology, the Smithsonian Institution, and the Field Museum. According to present information, these have a total of about one thousand Iowa specimens.

It would be of doubtful value to attempt any further de-

tailed summary. Nor is it necessary to emphasize the fact that the materials known to any one person must be only a fraction of those that really exist. New earthworks or new artifacts, in collections little or big, nearly always come to light whenever a day or two can be spent in the field. As new tracts are cleared and come under cultivation, new relics are found, though at the same time more groups of mounds join the vast numbers of those that the plow has leveled.

It is this gradual wastage of some of the resources of study, as well as the fact that only a small portion of the rich supply of materials is publicly owned and thus permanently preserved, that raises the question of the future of Iowa archeology. Fortunately we now have a State law under which it will be possible to preserve many of the earthworks, either within the limits of State parks or as separate prehistoric monuments. And I believe it has become clear now that, although a certain amount of mound excavation is still desirable and necessary, the chief problem of the earthworks in our day is one of preservation. Fortunately, moreover, the many local collections of material have thus far largely escaped that commercialization which has been the bane of scientific collecting and study in nearly every other State. A few Iowa collections have been sold outside of the State and scattered without data as mere "relics", but these cases are not numerous. Generally the owners of materials have the feeling that their collections should remain in the State and numbers of them would be glad to see their possessions put to some constructive use. The time would seem to be propitious for some centralization of interests for the purpose of research in the archeology of Iowa and the permanent preservation of the materials with which such research is concerned.

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SOME SIGNIFICANT ASPECTS OF THE AGRARIAN REVOLUTION IN THE UNITED STATES

The economic history of American agriculture may be divided into four distinct periods: first, the foundations of American agriculture from 1607 to 1783; second, the westward movement of pioneer and planter into the Mississippi Valley from 1783 to 1860; third, the agrarian revolution and the opening of the Far West from 1860 to 1890; and fourth, the reorganization of agriculture from 1890 to the present.[1] It is the aim of this paper to review some of the more significant aspects of the third period.

By the agrarian revolution is meant the transformation of agriculture from a primitive, pioneer, largely self-sufficing type of industry into a modern business organized on a scientific, capitalistic, commercial basis. The principal factors contributing to this revolution in the United States were: first, the existence of a vast public domain and the policy of the government favoring its rapid transference to private ownership; second, the growth of population and immigration; third, the introduction of farm machinery; fourth, the extension of transportation facilities; fifth, the growth of domestic and foreign markets; and sixth, the development of various agencies for the promotion of scientific knowledge relating to agriculture. The revolution in agriculture which these and other contributing agencies brought about extends from 1860 to the last decade of the century.[2] By 1890 the various elements entering into this

[1] This plan of division is substantially in accordance with that adopted in the writer's *Topical Studies and References on the Economic History of American Agriculture* (McKinley Publishing Company, Philadelphia, 1919).

[2] The agrarian revolution in England took place in the period from 1760 to 1825; in France from the Revolution to 1860; and in Germany from 1860 to 1900. For a brief discussion of the agricultural revolution in these countries

revolution were in working operation. While the agencies bringing about a transformation in agriculture had already been set in motion in the fifties, the real significance of these forces was not apparent until the Civil War which hastened the changes and tendencies that were destined to produce a revolution in our whole economic development.[3]

THE LIBERAL LAND POLICY OF THE FEDERAL GOVERNMENT

Among the factors contributing to the revolution in agriculture, the existence of the public domain and the policy of the government favoring its rapid transfer to private ownership commands primary consideration. The public domain originally included all the territory of the continental United States except the thirteen original States and the States of Kentucky, Tennessee, and Texas. This represents an area of 1,442,200,320 acres, or about three-fourths of the entire land area of the country which amounts to 1,903,-289,600 acres. Of this vast heritage the government had by 1860 disposed of 394,089,000 acres, thus leaving for future disposition an area amounting to 1,048,111,000 acres, the greater portion of which lay in the States and Territories west of the Mississippi River.[4]

The period of rapid disposal of the public lands dates from the enactment of the Homestead Law in 1862. Ac-

see Ogg's *Economic Development of Modern Europe*, Chs. VI, IX. As England, France, the United States, and Germany underwent a revolution in agriculture during the nineteenth century, so Canada, Australia, Russia, and the leading Latin-American countries have already begun to undergo a similar revolution in the twentieth century.

[3] For a brief survey of the economic revolution in the United States after 1860, see Johnson's *History of Domestic and Foreign Commerce of the United States*, Vol. I, Ch. XV. The economic revolution is characterized by two closely related lines of development: the revolution in industry; and the revolution in agriculture, which for historical purposes may conveniently be treated as distinct phases of economic history.

[4] The statistics used in this paragraph are taken from the *Annual Report of the Commissioner of the General Land Office*, 1860, p. 25, 1914, p. 47.

cording to the provisions of this law any person had the right to locate upon 160 acres of unappropriated public land in any of the States and Territories in which there was such land subject to entry at a United States land office, to live upon the same for a period of five years, and upon proof of a compliance with the law, to receive a patent therefor free of cost or charge for the land. Full citizenship was required in obtaining final title. In case the settler desired to obtain a title for his land before the expiration of the five-year period, he might do so by paying the regular purchase price of $1.25 or $1.50 an acre, as the case might be, "on making proof of settlement and cultivation as provided by existing laws granting preemption right". This latter provision was known as the commutation of a homestead. The Homestead Law therefore made it possible for every able-bodied person to become a land-owner upon actual settlement and cultivation; at the same time the land laws secured to the proprietor perfect title, absolute ownership, complete control, and easy sale or transfer. The opportunity to own a homestead on such liberal terms was eagerly seized by thousands of settlers and millions of acres of virgin land were added to the farming area of the country.[5]

The rapid alienation of the public lands was still further

[5] The number and area of entries under the Homestead Act by States and Territories from 1862 to 1880 inclusive is given in Donaldson's *Public Domain* (Washington, 1884), pp. 351–355. The total number of entries during this period was 469,782, including an area of 55,667,045 acres.

"The homestead law is now the approved and preferred method of acquiring title to the public lands. It has stood the test of eighteen years, and was the outgrowth of a system extending through nearly eighty years, and now, within the circle of a hundred years since the United States acquired the first of her public lands, the homestead act stands as the concentrated wisdom of legislation for settlement of the public lands. It protects the Government, it fills the States with homes, it builds up communities, and lessens the chances of social and civil disorder by giving ownership of the soil, in small tracts, to the occupants thereof. It was copied from no other nation's system. It was originally and distinctively American, and remains a monument to its originators."—Donaldson's *Public Domain* (Washington, 1884), p. 350.

encouraged by the Preëmption Law of 1841 which still remained on the statute books, the Timber Culture Law of 1873, and the Desert Land Law of 1877, which together with the right granted under the Homestead Law, enabled any person to secure title to 1,120 acres of government land;[6] while large quantities of timber, coal, and mineral lands could be acquired under various other acts. These methods of disposing of land to individuals were supplemented by huge grants to railroads and to the States for various purposes — grants which were immediately opened for sale at reasonably low prices to the incoming settlers.

This legislation favored the rapid disposition of the public domain which characterized the period from 1860 to 1890 during which the government disposed of 461,894,000 acres. The entire area of the public domain alienated from 1785 to 1890 therefore amounted to 855,983,000 acres.[7] This represents an area twenty-four times the area of Iowa and, together with the States of Kentucky, Tennessee, and Texas which are not included in the list of public land States, comprises the great agricultural empire of the Mississippi Valley and the major portion of the lands of the Pacific Coast States. The number of farms was increased from 2,044,000 in 1860 to 4,565,000 in 1890 and the number of acres in farms was increased during the same period from 407,213,000 to 623,219,000; while the average number of acres in each farm

[6] This was changed in 1891 by a law which provided that the maximum amount of agricultural land which could be entered by one person under these laws was 320 acres.

[7] *Annual Report of the Commissioner of the General Land Office*, 1890, p. 121. This report shows that the entire area of vacant public land (both surveyed and unsurveyed) remaining undisposed of and therefore subject to private entry in 1890 amounted to 586,217,000 acres. Subtracting this area from the 1,048,111,000 acres remaining unsold and unappropriated in 1860, it is found that the area disposed of during the period from 1860 to 1890 amounted to 461,894,000 acres to which should be added the 394,089,000 acres disposed of before 1860 which gives a total area of 855,893,000 acres of public land which had been alienated by 1890.

was reduced from 199 to 137. The greatest expansion in the agricultural area took place in the North Central States in which the number of farms increased from 772,165 in 1860 to 1,923,822 in 1890 and the number of acres in farms increased during the same period from 107,900,000 to 256,587,000.[8] The natural result of the policy of the government favoring the rapid transfer of the public domain to private ownership was therefore a great expansion in the farming area of the country by the addition of 2,511,000 farms embracing an area of 216,006,000 acres — a fact which is of primary significance in the study of the agricultural development of this period.

THE GROWTH OF POPULATION AND IMMIGRATION

The population of continental United States doubled during this period, increasing from 31,443,000 in 1860 to 62,-

[8] These statistics are taken from tables in the *Twelfth Census of the United States*, 1900, Vol. V, pp. xvii, xix, xxi. These tables give the number of farms, the number of acres in farms, and the average number of acres per farm for the entire United States and for each of the several geographic divisions. These divisions and the States composing each, according to the United States Census Reports of 1890 and 1900, are:

(1) The North Atlantic Division comprising: (a) the six New England States of Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, and Vermont; and (b) the three Middle Atlantic States of New York, Pennsylvania, and New Jersey.

(2) The South Atlantic Division comprising the eight States of Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida. The District of Columbia is also included in this division.

(3) The North Central Division comprising the twelve States and Territories of Ohio, Indiana, Illinois, Michigan, Wisconsin, Missouri, Iowa, Minnesota, Kansas, Nebraska, South Dakota, and North Dakota.

(4) The South Central Division comprising the eight States of Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas.

(5) The Western Division comprising: (a) the eight mountain States and Territories of Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, and Idaho; and (b) the three Pacific States of California, Oregon, and Washington.

995,000 in 1890[9]— an increase equal to that of the previous two hundred and fifty years. One third of this increase was composed of foreign immigrants numbering 10,374,000,[10] who came in to recruit the labor forces of the country. Population continued to move westward as it had before 1860;[11] and the agricultural States of the Mississippi Valley were rapidly filled with settlers;[12] while the Pacific Coast States were added to the agricultural empire which was being founded in the Central West. The abundance of new and cheap land led to the emigration of great numbers of people from New England and other eastern States into the North Central States. To this section was also attracted a large proportion of the immigrant population which was, as a rule, thrifty, industrious, and experienced in European methods of agriculture.[13] The population of these States increased from 8,097,000 in 1860 to 22,410,000 in 1890 — the largest numerical increase of any of the several geographical divisions of the country — while the number of inhabitants in the South Central States during the same period

[9] *Thirteenth Census of the United States*, 1910, Vol. I, p. 24.

[10] Hall's *Immigration*, p. 9.

[11] For a study of the westward movement in American history before 1860, see the writer's *Topical Studies and References on the Economic History of American Agriculture* (McKinley Publishing Company, Philadelphia, 1919), Topic XII.

[12] For maps showing the distribution of rural population outside of the municipalities having 8,000 or more inhabitants for the decennial years 1790 to 1910, see the *Statistical Atlas of the United States* (Washington, 1914), Plates 3 to 15 inclusive. See also *Thirteenth Census of the United States*, 1910, Vol. I, pp. 56, 57, for tables giving the distribution of rural and urban population in the United States for the decennial years 1880 to 1910 inclusive. In 1860, forty and six-tenths per cent of the population lived on farms; in 1880, this had been increased to forty-four; and in 1900, this population had been decreased to thirty-nine and two-tenths per cent. — King's *Wealth and Income of the People of the United States*, p. 16.

[13] The influence of foreign immigration on the agricultural development of the United States is a subject worthy of historical study. See, for example, Faust's *The German Element in the United States*, Vol. II, Ch. II.

increased from 5,799,000 to 11,170,000; and in the Pacific Coast States from 444,053 to 1,888,000.[14]

THE INTRODUCTION OF FARM MACHINERY

No less significant as a factor in the agricultural revolution was the introduction into general use of improved labor-saving machinery and the consequent transformation in the methods of farming. Although most of the epoch-making machines — notable among which were the plow, the corn-planter, the two-horse cultivator, the mower, the reaper, and the steam thresher — had been invented in the period ending with 1860, and although the application of this machinery had spread to a considerable extent in the fifties,[15] it was not until the decade which witnessed the Civil War that agricultural machinery was popularized and brought into widely extended use. The withdrawal of hundreds of thousands of men from the farm to enlist in the army greatly stimulated the use of machinery while the war was in progress. Improved plows, cultivators, mowers, reapers, and threshing machines, and other labor-saving devices, including the substitution of horse-power and steam-power for manual labor, overcame the conservatism of the farmers, who, before the war when labor was plenty and cheap, had failed to appreciate the advantages of labor-saving machinery. Confronted with the alternative of los-

[14] These statistics are taken from a table in the *Thirteenth Census of the United States*, 1910, Vol. I, pp. 30, 31. This table gives the distribution of population of the United States by States and by geographic divisions, together with the rank of each, for the decennial years from 1790 to 1910 inclusive.

[15] "The year 1850 practically marks the close of the period in which the only farm implements and machinery other than the wagon, cart, and cotton gin, were those which, for want of a better designation, may be called implements of hand production. The old cast-iron plows were in general use. Grass was mowed with the scythe, and grain was cut with the sickle or cradle and threshed with the flail."— *Twelfth Census of the United States*, 1900, Vol. V, p. xxix.

ing their crops for want of labor the farmers became thoroughly interested in these new inventions, only to become convinced of their utility when they saw it demonstrated that a reaper operated by one man could cut from ten to twelve acres of wheat in a day, whereas one man with a grain cradle was able to cut only an acre and a half or two acres in the same length of time.

New implements and machines of many kinds were introduced into widespread and general use. The value of farm machinery in use increased from $246,118,000 in 1860 to $494,247,000 in 1890. The North Central States showed the greatest advance in the use of farm machinery, the value of which increased during this period from $72,817,000 to $232,225,000. The Western States ranked next with an increase of from $449,000 to $30,366,000. The North Atlantic States showed an increase of from $73,825,000 to $116,868,000 and the South Atlantic States of from $34,046,000 to $36,444,000; while the South Central States showed a decrease of from $72,283,000 to $58,344,000—the values of the last two named groups of States reflecting the disastrous effects of the Civil War on Southern agriculture.[16] The use of improved labor-saving machinery not only made possible the cultivation of a much larger area of land but it also added greatly to the productivity of each unit of land and of labor, the productive capacity of an individual farmer being multiplied more than twelvefold in the period from 1830 to 1880.[17] With the introduction of this machinery into general use and the consequent improvement in the

[16] These statistics are taken from tables in the *Twelfth Census of the United States*, 1900, Vol. V, pp. xxix, xxx.

[17] For the importance of farm machinery as a factor in the agricultural revolution, see Quaintance's *Influence of Farm Machinery on Production and Labor* in *Publications of the American Economic Association* (Third Series), Vol. V, No. 4, pp. 1–103. See also Brewer's *Report on Cereal Production in the United States* in the *Tenth Census of the United States*, 1880, Vol. III, pp. 148–150.

methods of farming which this machinery made possible, agriculture passed definitely into the commercial stage in which the products were raised primarily for the market and only incidentally for the use of the farmer and his family.

THE EXTENSION AND DEVELOPMENT OF TRANSPORTATION FACILITIES

But the revolution in agriculture would have been impossible had it not been for the marvellous extension and development of the transportation system which made it possible for the agricultural West to dispose of its surplus products in the distant markets of the East and South and of Western Europe. Before 1850 the only avenues for the disposal of these products were the two great waterways of the country: the Mississippi River with its navigable tributaries; and the Great Lakes with their eastern connections, the Welland Canal and the St. Lawrence River and the Erie Canal and the Hudson River. "Although the West possessed these two unrivalled waterways, yet there were but few localities which could choose between the two. . . . To the settler near the lakes, the Eastern route was the only available highway, and to the farmer living near the banks of the Mississippi the river was the only possible route."[18] The early railroads in the Middle West were not regarded as competitors of the waterways but as tributaries to them; for it was believed that the waterways would continue to be the principal avenues of transportation.

The rapid extension of railroads throughout the country after 1850 was destined, however, to effect profound changes in the whole course and conditions of internal trade. In 1850 there were but 9021 miles of railroad in the

[18] Tunell's *The Diversion of the Flour and Grain Traffic from the Great Lakes to the Railroads* in *The Journal of Political Economy*, Vol. V, p. 340.

United States, nearly all of which had been built in the Atlantic seaboard States. In 1860 there were 30,626 miles in operation distributed about equally among the three great sections of the country: the East, the South, and the West. The rate of construction was halted somewhat during the Civil War but immediately after the war the entire country was seized with a mania for railroads. In 1870 there were 52,922 miles of track in use. In 1880 this mileage was increased to 93,922 miles, and finally reached 166,654 miles in 1890 — an increase more than five times that of 1860.[19]

The entire country was spanned with a net work of railroads. The North Central States were well supplied with railway facilities; many new lines were added in the South; thousands of miles of track were built in the Eastern States; and five transcontinental railroads were completed, thus bringing the Pacific Coast States into close economic relations with the Mississippi Valley and the manufacturing-commercial East.[20]

Great improvements accompanied this development in rail transportation among which should be mentioned the reduction of grades and curves, improved drainage and ballasting, better bridges, the introduction of steel rails, the improvement of rolling stock, the adoption of uniform gauges, the consolidation of connecting roads into trunk lines, the construction of terminal facilities, and scientific rate-making. These improvements, in connection with the

[19] These statistics are taken from tables in the *Statistical Abstract of the United States,* 1902, pp. 404, 405.

[20] For a brief historical sketch of transportation in the United States, see Ripley's *Railroads: Rates and Regulation,* Ch. I. See also *Annual Report on the Internal Commerce of the United States* (Bureau of Statistics, Treasury Department, Washington), 1876, maps 1 to 12 inclusive, showing various railroad lines at that time. The succeeding reports for the years 1877 to 1886 inclusive, also contain good maps showing rail routes for this period. The report for 1884 contains a complete railroad map of the United States showing the Pacific railroads in colors.

advantages afforded by rapid transit and reduced risks, tended to increase the value of the railroads as commercial highways so that by the close of the decade of the seventies the railroads had become effective competitors of the waterways in the transportation of western agricultural products to the seaboard.[21] The introduction of the iron steamship on the ocean after 1860 and the formation of combinations between railroad and steamship lines, which made possible the shipment of products on through bills of lading from interior points to the markets of Europe, further increased the importance of the railroads as carriers of western agricultural products.

The development of railway and ocean transportation was accompanied by improvements in the facilities for communication which served to bring all sections of the country and the nations of western Europe into close business relations. Of these the telegraph was the most important agency for the rapid dissemination of information without which the organization and management of the modern commercial system would have been impossible. This was further supplemented by the improvement of the postal system, the growth of newspapers and trade journals, the invention and extension of the telephone system, the organization of produce exchanges, and the modern system of banking and exchange, all of which agencies performed incalculable services in commercial operations.[22]

THE GROWTH OF DOMESTIC AND FOREIGN MARKETS

The most distinctive feature of the revolution in agriculture, however, was the growth of domestic and foreign

[21] For a discussion of these improvements, including a consideration of the theory of railroad rates and the rate-making practice, see Ripley's *Railroads: Rates and Regulation,* Chs. II, III, IV, V.

[22] The agencies governing the organization and management of internal trade are discussed in Johnson's *History of Domestic and Foreign Commerce of the United States,* Vol. I, Ch. XVII.

markets. The westward movement of population into the Mississippi Valley, the application of labor-saving machinery to agriculture, and the development of the transportation system made possible that territorial division of labor which enabled each section to devote itself more exclusively to the production of those commodities for which it was best adapted: the East to manufacturing and commerce, the South to the raising of cotton and other staple plantation products, and the West to the production of food. Thus there was developed that economic differentiation and mutual dependence between geographic sections which had already begun to characterize the economic development of the United States during the ante-bellum period,[23] and which became more greatly accentuated after 1860.[24] Each section occupied a position of dependent relationship to the other two sections: the East became to a very large degree dependent upon the food-producing West[25] for the breadstuffs and meat which were needed to furnish its rapidly

[23] Johnson's *History of Domestic and Foreign Commerce of the United States,* Vol. I, Ch. XIV. See also the writer's article on *The Internal Grain Trade of the United States, 1850–1860,* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XVIII, pp. 94–106.

[24] See Johnson's *History of Domestic and Foreign Commerce of the United States,* Vol. I, Chs. XV, XVI.

[25] New England had by 1860 become almost entirely dependent on western grain. This fact was emphasized by Governor Andrew of Massachusetts in a message to the State legislature in which he said:

"The annual consumption of purchased flour by New England, . . . is something near 3,500,000 barrels, or more than one barrel to each inhabitant. In the year 1862, more than 800,000 barrels of western and northern flour were sold in Boston for domestic consumption, or three-fourths of a barrel for each person in Massachusetts.

"I venture to affirm that the consumption of western agricultural products within the six States of New England, including flour, grain and animal food, used for the support of man and the forage of cattle, swine, and horses, during the year 1863, reached the value of $50,000,000, the proportion of which taken by Massachusetts exceeded $20,000,000."—*Eighth Census of the United States,* 1860, Agriculture, p. cxlv.

See also *Report of the Select Committee on Transportation Routes to the Sea-*

growing population with an adequate supply of foodstuffs; while the South continued to purchase large quantities of produce from that section.[26]

But rapidly as the home market expanded, the increase in the volume of production was considerably greater, thus giving rise to an annual product far in excess of the needs of the country, but for which there fortunately existed a growing demand abroad. The development and expansion of the facilities for the transportation and handling of bulky products and the reduction of freight rates[27] transformed the local into the world market, the effect of which was twofold: first, it stimulated the production of food in the great agricultural regions which now had access to the markets of the world; and, second, it subjected the agricultural systems of the western European countries to a severe strain of competition which compelled large numbers of the rural population to abandon farming. As a result, they either migrated to the industrial centers to enlist in the army of wage-earners or emigrated to the New World, by far the greater proportion of them settling in the United States which furnished unequalled opportunities for the making of an independent living. The countries of Europe thus became the natural market for the breadstuffs and live

board (Washington, 1874), pp. 12–14. This report shows that in 1872 the Atlantic seaboard States offered a home market for 104,877,000 bushels of western grain of which 41,132,000 bushels were shipped to the New England States and 63,745,000 bushels were sent to the Middle and South Atlantic States.

[26] The Gulf States in 1872 afforded a home market for 33,784,000 bushels of western grain.— *Report of the Committee on Transportation Routes to the Seaboard* (Washington, 1874), p. 13.

[27] The cost of transporting wheat from Chicago to New York by lake and rail was reduced from 25 cents a bushel in 1869 to 8.5 cents a bushel in 1890; while the rate from New York to Liverpool was reduced from 13.4 cents to 4.9 cents a bushel during the same period. The total cost of transporting wheat from Chicago to Liverpool was therefore reduced from 38.4 cents a bushel in 1869 to 13.4 cents in 1890. These statistics are taken from a table in the *Statistical Abstract of the United States,* 1902, p. 416.

stock products, and the cotton and tobacco which entered into the export trade of the United States. The most important market for these commodities was Great Britain which after the repeal of the Corn Laws in 1846 became rapidly transformed from an agricultural into an industrial nation largely dependent on foreign nations for an adequate supply of foodstuffs and raw materials.[28] The nations of continental Europe were second in order of dependence; while the non-European countries of South America, the West Indies, Canada, China, Australia, and South Africa came next. These countries all furnished markets that absorbed the surplus agricultural products which the United States had available for export. Meanwhile Russia, India, Australia, Canada, and Argentina became strong competitors of the United States for this trade.

The chief item entering into the export trade of the United States was the breadstuffs of the West; while cotton occupied second place; and live stock and animal products ranked third. During the Civil War, while the southern market was temporarily closed, wheat and flour exports, already considerable before 1860, were suddenly expanded from 17,213,000 bushels in 1860 to 61,700,000 bushels in 1862 and continued at a high level during the next two years, thereafter declining for a time but advancing again as a consequence of the rapid increase in grain production and the enlargement of European demands for breadstuffs.[29] From 1867 to 1872 wheat and flour exports amounted to an annual average of 35,500,000 bushels, or

[28] For a discussion of this subject, see the writer's article on *The Influence of Wheat and Cotton on Anglo-American Relations during the Civil War* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XVI, pp. 400–439. See also Ogg's *Economic Development of Modern Europe*, Chs. VIII, XII.

[29] For statistics showing the quantity of wheat and flour exported from the United States from 1830 to 1868, see tables in the *Annual Report of the Commissioner of Agriculture*, 1868, pp. 47, 48.

15.53 per cent of the entire crop; from 1873 to 1878 an annual average of 73,400,000 bushels, or 24.59 per cent of the entire crop, was exported; from 1879 to 1883 this was increased to an annual average of 157,600,000 bushels, or 34.91 per cent of the total crop. Although there was a decrease in the average annual exports after that date, the amount of wheat and flour exported continued at a high level to the end of the century.[30]

While the volume of corn production has been considerably greater than that of wheat, the proportion entering into domestic and foreign commerce has been considerably less. The reasons for this are: first, that corn is not as well adapted to the requirements of commerce as wheat, possessing greater bulk and less value and being more susceptible of injury during transportation; and second, that a very decided prejudice has always existed in the United States and the western countries of Europe against the use of corn as a breadstuff. Even so, however, corn exports showed a rather remarkable increase for this period, increasing from an annual average of 14,200,000 bushels, or 1.54 per cent of the total crop for the period 1867–1872, to 52,800,000 bushels, or 4.51 per cent for the period 1873–1878, and finally reaching 73,400,000 bushels, or 4.90 per cent of the entire crop from 1879–1883. From 1884–1893 there was a decline in the average amount exported; but this was followed by a rapid increase which for the period 1894–1899 amounted to an annual average of 127,400,000 bushels, or 6.56 per cent of the entire crop.[31]

Cotton was a close rival of grain in the list of exports.

[30] These statistics are taken from a table in the *Monthly Summary of Commerce and Finance* (Bureau of Statistics, Treasury Department), January, 1900, p. 1998. See also *Statistical Abstract of the United States*, 1902, p. 345.

[31] These statistics are taken from a table in the *Monthly Summary of Commerce and Finance* (Bureau of Statistics, Treasury Department), January, 1900, p. 1996. See also *Statistical Abstract of the United States*, 1902, p. 344.

While the amount exported during the Civil War decade was decreased from 3,744,000 bales in 1860 to 2,206,000 bales in 1870, the exports quickly regained and finally surpassed their former level, amounting in 1880 to 3,885,000 bales and finally reaching 4,950,000 bales in 1890. The following decade witnessed an even more rapid growth in the production and export of cotton. Throughout the period from 1865 to the close of the century, the annual amount of cotton exported was from 59.2 per cent to 82.5 per cent of the entire cotton crop of the United States.[32]

Live stock and animal products, which heretofore had occupied but a very subordinate position in the foreign trade of the United States, now assumed an important place in the list of exports ranking next to breadstuffs and cotton. The live stock and packing industries produced more than the home market was able to absorb. Consequently, large quantities of beef and pork products were available for the growing demand abroad. The entire export trade in provisions increased from $54,016,000 in 1865 to $136,265,000 in 1890, the principal item being pork, the value of which during this period increased from $26,522,000 to $85,281,000; while the remainder consisted of beef and dairy products. The value of live stock exports meanwhile increased from $244,000 to $47,057,000.[33]

The total value of all agricultural exports of the United States was increased from $256,561,000 in 1860 to $361,188,000 in 1870, finally reaching $685,961,000 by 1880, but

[32] These statistics are taken from a table in Hammond's *The Cotton Industry* in *Publications of the American Economic Association* (New Series), No. 1, 1897. The table is printed as part of Appendix I. Compare with tables in the *Monthly Summary of Commerce and Finance* (Bureau of Statistics, Treasury Department), March, 1900, pp. 2550, 2553; also *Statistical Abstract of the United States*, 1917, p. 534.

[33] These statistics are taken from a table in the *Monthly Summary of Commerce and Finance* (Bureau of Statistics, Treasury Department), February, 1900, p. 2309.

declining to $642,751,000 in 1890, and then increasing again to $835,858,000 in 1900.[34] This rapid expansion in exports enabled the United States by 1880 to become the foremost surplus cereal and live stock producing country in the world — a position which this country had long since attained and continued to hold with reference to cotton and tobacco.

THE DEVELOPMENT OF AGENCIES FOR THE PROMOTION OF SCIENTIFIC KNOWLEDGE RELATING TO AGRICULTURE

Of fundamental significance, finally, as a factor in the agrarian revolution was the development of the various agencies for the promotion of scientific knowledge relating to agriculture. While interest in scientific agriculture dates back to the beginning of the national period of our history, this interest was shared by but a comparatively small number of progressive farmers,[35] while the great mass of the rural population followed the rule of tradition, custom, and superstition which prevailed throughout the pioneer period. The reasons for this general reluctance to apply scientific principles to the practice of farming were: first, that it was easier and more economical to acquire and cultivate new land than to institute intensive methods on the older land; second, farmers possessed very meager knowledge as to the proper treatment of soils and plant life, even the most intelligent farmers, including the scientists themselves, knowing very little about such matters; and third, the great majority of farmers were averse to new ideas and methods which they regarded as "book farming" and therefore as entirely impracticable. This attitude is to be explained largely by the fact that the farmers of the pioneer period, accustomed to a life of isolation and separa-

[34] These statistics are taken from the *Statistical Abstract of the United States*, 1902, p. 538.

[35] See, for example, Haworth's *George Washington: Farmer* (Indianapolis, 1915).

tion from their fellowmen, were naturally very independent and extremely individualistic, relying on their own initiative and taking pride in following their own peculiar methods of farming when it would have been easier and less expensive for them to seek and follow the advice and experience of others.[36]

The introduction of scientific agriculture during the second half of the nineteenth century effected a revolution in the methods of farming which in turn had a tremendous influence on the agricultural development of the United States. The reasons for the adoption of scientific methods may be briefly summarized.

1. The rapid disposal of the public domain after 1862 soon brought the nation to the end of the free land era and it was no longer possible to acquire new agricultural lands for nothing, with the result that intensive farming then became necessary.[37]

2. The transformation of agriculture from the pioneer into the commercial stage brought the farmer into closer relations with the business world. The new conditions thus created broadened the farmer's outlook and awakened him to a realization of his educational needs and opportunities. Moreover, this period witnessed the rise of a new generation of farmers who were ready to abandon old methods of

[36] For a study of pioneer agriculture in the United States before 1860, see the writer's *Topical Studies and References on the Economic History of American Agriculture* (McKinley Publishing Company, Philadelphia, 1919), Topics VI, IX, XIV. See also Topic XX on Pioneer Life and Ideals.

[37] "Intensive farming in the strict sense may mean any or all of the following methods:

1. The simple application of more labor in the preparation of the soil and the handling of the crop.

2. The use of more capital in connection with a given quantity of labor, thus enabling the same labor to prepare the soil more thoroughly and care for the crops more efficiently.

3. The application of more scientific methods to the improvement and maintenance of the fertility of the soil".— Carver's *Principles of Rural Economics*, pp. 166, 167.

farming and adopt new ones, once their utility had been demonstrated. Agriculture thus liberated from the fetters of custom and tradition, was prepared to enter upon a new era of scientific development.[38]

3. This led to the establishment of agencies for the promotion of scientific knowledge relating to agriculture. Among these should be mentioned: first, the Federal and State departments of agriculture; second, the agricultural colleges and experiment stations, including rural extension work; third, farmers' organizations; and, fourth, the agricultural press. The limits of this paper will permit only a brief reference to the functions of these agencies in the education of the farmer along scientific and practical lines.[39]

The Federal Government first took an active interest in the promotion of agriculture in 1839, when, on the recommendation of the Commissioner of Patents, an appropriation of $1000 was made for the "collection of agricultural statistics, investigations for promoting agriculture and rural economy, and the procurement of cuttings and seeds for gratuitous distribution among the farmers".[40] The work was gradually developed by the Patent Office, through its agricultural division, until 1862 when the Department of Agriculture was established. The functions of this Department as defined by law were "to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and

[38] For a good brief description of the pioneer self-sufficing agriculture of half a century ago in New England as contrasted with modern commercialized agriculture see Welch's *The Farmer's Changed Condition* in *The Forum*, Vol. X, 1891, pp. 689–700. See also Butterfield's *Chapters in Rural Progress*, Ch. IV, contrasting the new farmer with the old.

[39] See the writer's *Topical Studies and References on the Economic History of American Agriculture* (McKinley Publishing Company, Philadelphia, 1919), Topics XXXI, XXXII, XXXIII.

[40] Poore's *History of the Agriculture of the United States* in the *Annual Report of the Commissioner of Agriculture*, 1866, p. 524.

comprehensive sense of that word, and to acquire, propagate, and distribute among the people new and valuable seeds and plants".[41]

The Department grew slowly at first, owing to inadequate moral and financial support; but as the need for a scientific knowledge relating to agriculture developed, the functions of this department were gradually expanded and the demand for bulletins and reports on many special subjects was increased. By 1889 the Department had finally achieved sufficient dignity to be raised to the rank of a cabinet office. Thereafter the work of this Department was rapidly developed until it became the leading government agency of its kind in the world for the promotion of scientific research relating to all lines of agricultural development, including plant and animal life, crop production, insect pests, trade and commerce, irrigation, statistics, quarantine, and road-making — almost everything, indeed, affecting the interests of those engaged in the raising and marketing of agricultural products. Some idea of the functions of this Department may be gained by reference to the following bureaus into which it has been divided: office of the secretary, weather bureau, animal industry, chemistry, plant industry, forest service, soils, crop estimates, entomology, biological survey, public roads and rural engineering, accounts and disbursements, library, horticulture, markets and rural organization, States relation service, and publications.[42] The Department of Agriculture has always taken an added interest in movements for the education of the farmer, and it has disseminated a very large amount of useful information on subjects relating to agriculture.

[41] *Annual Report of the Commissioner of Agriculture*, 1862, p. 3.

[42] The work of the United States Department of Agriculture is reviewed in the annual reports of the department from 1862 to the present and in the yearbooks from 1894 to the present. See especially the yearbook of the Department for 1899.

Supplementing the United States Department of Agriculture are the State departments, most of which have been established since 1860.[43] The functions of these may be defined in general terms as follows: the collection, publication, and distribution of crop statistics; the holding of State and district fairs; the conducting of farmers' institutes; the enforcement of laws relating to live stock and human foods; the control of insect pests and fungus diseases in orchards, nurseries, and vineyards; the enforcement of quarantine laws against animal diseases; the operation of experimental farms; the distribution of seeds and plants; and the preparation and publication of annual reports, journals, and bulletins.[44]

The same year in which the Federal Department of Agriculture was established marks also the passage of the Land Grant College Act providing for the establishment of colleges of agriculture and mechanic arts.[45] According to the provisions of this law, each State received 30,000 acres of public land for each Representative and Senator to which the State was entitled in Congress under the apportionment of 1860. The interest on the money derived from the sale of this land was to be appropriated for "the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the

[43] Bailey's *Cyclopedia of American Agriculture,* Vol. IV, pp. 328–339.

[44] The functions of the various State departments of agriculture vary with the different States. In some States the department of agriculture is combined with other departments.

[45] See the writer's article on *The Origin of the Land Grant Act of 1862* in *The Iowa Homestead* (Des Moines), March 11, 1920.

liberal and practical education of the industrial classes in the several pursuits and professions of life."[46]

The Land Grant Act of 1862 was the most important specific enactment ever made for the promotion of scientific knowledge relating to agriculture in the United States. It gave a great stimulus to the movement, already inaugurated before 1860, for the establishment of State supported institutions of learning devoted to "the liberal and practical education of the industrial classes". Many States accepted the conditions of the grant soon after the passage of the Act. By 1887 there were forty-eight institutions in the United States receiving the benefits of this grant.[47]

The land grant colleges underwent a period of slow development during the first twenty-five years of their existence. It was a period of organization and of discussion as to what the character of these institutions should be in order to fulfil the purpose of the act and to meet the needs of "the industrial classes" in the respective States. Courses in the study of the sciences were yet to be developed, teachers in these subjects were to be trained, and the system of elective studies was to be organized; while graduate courses of instruction and research remained to be developed later. It was therefore impossible to develop technical courses in agriculture until the sciences were placed on a sound basis with adequate equipment and well trained teachers in charge of these courses. The most important functions of the land grant colleges during this period were therefore, first, the establishment and perfection of instruction in the natural sciences; and, second, the development of technical courses suited to the needs of farmers and mechanics. At the same time, they gave instruction in a variety of general subjects, thus developing a

[46] Bailey's *Cyclopedia of American Agriculture*, Vol. IV, p. 412.

[47] True's *Education and Research in Agriculture in the United States* in the *Yearbook of the United States Department of Agriculture*, 1894, p. 98.

broader view of what constitutes a liberal education. Finally, they rendered a valuable service in preparing teachers and scientists who later rose to eminence in the work of technical instruction, as well as in scientific and practical investigations.[48]

The natural outgrowth of this development was the experiment station. The first regularly organized experiment station in the United States was established by the State of Connecticut in 1875. Other States followed until by 1887 there were seventeen stations in operation in fourteen States. In that year, Congress passed the Hatch Act providing for the establishment and maintenance of experiment stations as departments of the land grant colleges in all the States and Territories. The experiment station thus became an integral part of the agricultural college; while its work has formed the basis of all instruction relating to the science of agriculture. In addition to this, it has performed a valuable service in the publication and dissemination of bulletins on a variety of subjects of great interest and importance to the farmer.[49]

By 1890, the land grant colleges were beginning to achieve a place of influence and prestige among the better colleges and universities of the country. Since that year these institutions have undergone a rapid growth and development along three clearly defined lines: first, teaching; second, research and experimental work; and, third, extension work. The development of this threefold function has made the land grant college, in coöperation with the United States Department of Agriculture, a powerful factor in the transformation of agriculture from a primitive, pioneer

[48] See True's *Education and Research in Agriculture in the United States* in the *Yearbook of the United States Department of Agriculture,* 1894, pp. 92–99.

[49] True's *Agricultural Experiment Stations in the United States* in the *Yearbook of the United States Department of Agriculture,* 1899, pp. 513–548.

occupation into a modern business organized on a scientific basis.[50]

The rise and growth of farmers' organizations with their social, educational, commercial, and political functions should also be briefly mentioned as one of the important agencies for the diffusion of knowledge relating to the practice of farming. The revolution in agriculture gave rise to complex problems of production, distribution, and exchange which were of fundamental interest and importance to the farmers. As agriculture became more interwoven with the fabric of our national economy, these problems became more and more acute. It was therefore natural that the farmers should follow the example of other economic groups and organize for the promotion of their interests. This period, consequently, witnessed the formation of many organizations which may be divided into two general groups: first, those serving some special end or industry, as, for example, the coöperative creamery associations and the farmers' elevator companies; and second, those which sought to unite the farmers as a class, among which organizations may be mentioned the Granger, Greenback, and Populist movements.[51] These various organizations — local, State, and national — performed a great service in the education of the American farmer. They aided in breaking down the barriers which had heretofore separated the farmers from their fellowmen, developed in the farming population a feeling of class consciousness, taught valuable lessons in coöperation, and finally became an important agency for the dissemination of the new ideas

[50] See, for example, the history of the Iowa State College of Agriculture and Mechanic Arts in Aurner's *History of Education in Iowa*, Vol. IV, pp. 193–311.

[51] See Butterfield's *History of Farmers' Social Organizations* in Bailey's *Cyclopedia of American Agriculture*, Vol. IV, pp. 289–297; and Buck's *The Agrarian Crusade* (The Chronicles of America Series, Vol. XLV).

and methods in farming which were being advanced by the agricultural colleges and experiment stations.

Of inestimable importance, finally, as an agency for the promotion of scientific knowledge relating to agriculture was the agricultural press.[52] It would be difficult, indeed, to estimate the influence of the agricultural press on the development of scientific farming in the United States. From the beginning it has dealt with an infinite variety of subjects; it has been one of the most efficient agencies for the popularization of the results of scientific experiments conducted by the agricultural colleges and experiment stations; and it has accorded much space in its advertising columns to ways and methods of improving the practice of farming. These considerations justify the conclusion that the agricultural press was one of the most significant factors in bringing about the transformation of agriculture from the pioneer into the modern commercial stage.

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[52] For a list of the principal agricultural papers published in the United States during this period, see Buck's *The Granger Movement*, pp. 321–335 (Harvard Historical Series, Vol. XIX).

THE WESTWARD MOVEMENT OF THE WHEAT GROWING INDUSTRY IN THE UNITED STATES[1]

Agriculture was the primary industry of the Colonial period. With the establishment of permanent settlements in America and the accompanying need for food the colonists usually first planted fields of maize according to the methods taught them by the Indians in order that they might have an adequate supply for the ensuing winter. While these crops were still growing, new land was cleared and made ready for the next year's seeding. Gradually other crops were introduced, principally the cereals, which proved most adaptable to the climate and seasons of the new world. Among these products, wheat was soon widely and extensively grown, because of its importance as a food product and because of the demand for it, both in the domestic and foreign markets.

The wheat growing industry was at first confined to New England and the Middle Atlantic Colonies and chiefly to the latter section for there the yields were better than those secured in New England. In New York, the yields sometimes amounted to from thirty to forty bushels an acre, while a product of from twenty to thirty bushels an acre was quite usual. Similar yields were secured in Pennsylvania and New Jersey.[2]

[1] The writer is indebted to Mr. B. B. Hickenlooper of Blockton, Iowa, a graduate student in the Department of History at the Iowa State College of Agriculture and Mechanic Arts during the summer of 1920, for assistance in the preparation of this paper.

[2] Bogart and Thompson's *Readings in the Economic History of the United States*, p. 32.

As the population increased, however, a greater area was devoted to the raising of wheat, thus creating a surplus for which there was a growing foreign demand. Wheat therefore became the most important export crop of the Middle Atlantic Colonies. The chief foreign markets were Spain and Portugal, although considerable quantities of wheat were also shipped to the West Indies.[3] By 1729 the wheat exports from Pennsylvania amounted to 74,800 bushels, while the flour exports amounted to 35,438 barrels.[4] At the close of the Colonial period wheat formed one of the chief articles entering into the foreign commerce of the American Colonies.

During the early national period, extending from the Revolution to the close of the War of 1812, the wheat exported from the United States was grown chiefly in the Atlantic States. The quality of the wheat produced was good. The milling industry, established in the Colonial period, had been rapidly developed; but these States soon reached the high tide in wheat production, for wheat farming had gradually decreased the fertility of the soil with the result that the yields declined. Moreover, as population and immigration increased, the movement westward was begun on an unprecedented scale. The frontier line was extended to the Mississippi Valley, entering Ohio and the immediately adjoining States beyond. In the New England States there remained an increasing population which was changing rapidly from agricultural to manufacturing pursuits. The result was that the States which had hitherto been exporting wheat and other grains now became dependent on the West for an adequate supply of breadstuffs.[5]

[3] *Eighth Census of the United States,* 1860, Agriculture, p. cxl.

[4] *Eighth Census of the United States,* 1860, Agriculture, p. cxl.

[5] See Turner's *Rise of the New West,* Chs. II, III (The American Nation Series, Vol. XIV).

The most serious problem now confronting the nation was that of transportation. The westward movement of population and cereal production continued but transportation facilities eastward were inadequate. Agricultural products possessed relatively low value and great bulk, thus practically preventing eastward shipments by the means then available for the cost of transportation made it impossible to ship wheat overland more than 150 miles.[6] Tucker of Virginia stated in 1818, that even in the tidewater country where he lived it cost one bushel of wheat to send two to market.[7] This was almost prohibitive, hence wheat growing was restricted very largely to the regions readily accessible to markets by the waterways of the country.

Grain shipments for the Eastern States were therefore sent down the Ohio and Mississippi rivers — the natural outlet for the agricultural products of the West — to the Gulf ports. They were then reshipped to the Atlantic Coast States or to Europe. On the other hand, manufactured articles destined for the West were shipped over the Pennsylvania Turnpike and the Old National Road, for these products possessed relatively high value and less bulk than the products of agriculture and thus could bear transportation charges, though the rates were high. The South received increasing quantities of wheat and other food products from the West while its manufactured products were supplied by the North Atlantic States. The South thus came to depend more and more on its exports of cotton and tobacco with which it paid its indebtedness to the West and East respectively for the necessities supplied by them. In this manner

[6] McMaster's *History of the People of the United States*, Vol. III, pp. 463, 464.

[7] Turner's *Rise of the New West*, p. 100 (The American Nation Series, Vol. XIV).

there was developed the triangular system of internal trade which characterized the period from 1815 to the Civil War.[8]

This urgent need for better transportation facilities soon led to the building of the Erie Canal which was completed in 1825 and at once became an important outlet for western grain. But this did not immediately affect the region west of Ohio. In 1835 Ohio was the only western State exporting grain eastward by way of the Erie Canal. In that year Ohio exported by way of this route 1,355,000 bushels of wheat and 86,000 barrels of flour.[9] Michigan followed next, exporting in 1843 by way of the Great Lakes and Erie Canal 106,000 bushels of wheat and 263,000 barrels of flour.[10] The first grain shipment eastward from the west-

TABLE I

TEN LEADING WHEAT PRODUCING STATES IN 1839 [11]

STATES	BUSHELS	PER CENT OF THE ENTIRE WHEAT CROP
Ohio	16,571,661	20
Pennsylvania	13,213,077	16
New York	12,286,418	14
Virginia	10,109,716	12
Kentucky	4,803,152	6
Tennessee	4,569,692	5
Indiana	4,049,375	5
Maryland	3,345,783	4
Illinois	3,335,393	4
Michigan	2,157,108	3

[8] See the writer's article on *The Internal Grain Trade of the United States, 1850–1860,* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XVIII, pp. 94–124.

[9] *Eighth Census of the United States,* 1860, Agriculture, p. cxlvi.

[10] *Eighth Census of the United States,* 1860, Agriculture, p. cxlvi.

[11] These statistics are taken from a table in Brewer's *Report on the Cereal Production of the United States,* p. 62, in the *Tenth Census of the United States,* 1880, Vol. III. See also *Twelfth Census of the United States,* 1900, Vol. VI, p. 92.

ern shore of Lake Michigan was made in 1838 when Chicago shipped 78 bushels of wheat.[12]

By 1840 the wheat growing industry had definitely entered the Mississippi Valley. This is shown by Table I which gives the ten leading wheat producing States in 1839, ranked in order of their importance, and includes the number of bushels of wheat and the per cent of the entire crop produced by each. Ohio had by this time advanced to first place in wheat production; while Pennsylvania, New York, and Virginia followed in due order. Kentucky and Tennessee were next in the list, with Indiana, Illinois, and Michigan already coming into prominence. Maryland still produced enough wheat to be considered among the first ten.

During the forties wheat growing continued to move westward, as shown by Table II which gives the ten leading wheat producing States in 1849. This table shows that while Ohio, Pennsylvania, New York, and Virginia still retained the lead in production, Pennsylvania now ranked

TABLE II

TEN LEADING WHEAT PRODUCING STATES IN 1849[13]

STATES	BUSHELS	PER CENT OF THE ENTIRE WHEAT CROP
Pennsylvania	15,367,691	15.3
Ohio	14,487,351	14.4
New York	13,121,498	13.1
Virginia	11,212,616	11.2
Illinois	9,414,575	9.4
Indiana	6,214,458	6.2
Michigan	4,925,888	4.9
Maryland	4,494,680	4.5
Wisconsin	4,286,131	4.3
Missouri	2,981,652	3.0

[12] *Eighth Census of the United States,* 1860, Agriculture, p. cxlvii.

[13] These statistics are taken from a table in the *Twelfth Census of the United States,* 1900, Vol. VI, p. 92.

first, while Ohio which was first in 1839 was reduced to second place. New York and Virginia followed in corresponding order. Of the States comprising the first ten in 1839 two were eliminated by 1849 — Kentucky and Tennessee which had held fifth and sixth places, respectively. Illinois rose from ninth place in 1839 to fifth place in 1849 and Indiana passed from seventh to sixth place; while Michigan, which ten years before was tenth in order of production, advanced to the seventh place, previously held by Indiana. Maryland still retained eighth place. Wisconsin and Missouri by 1849 produced enough wheat to be ranked ninth and tenth, respectively. This shows the tendency of wheat production to advance steadily northwestward. Of further significance in arriving at this conclusion is the fact that whereas the center of wheat production in 1840 was about the western boundary line of Pennsylvania, by 1850 it had moved westward to a point fifty-seven miles east-northeast of Columbus, Ohio.[14]

TABLE III

TEN LEADING WHEAT PRODUCING STATES IN 1859[15]

STATES	BUSHELS	PER CENT OF THE ENTIRE WHEAT CROP
Illinois	23,837,023	13.8
Indiana	16,848,267	9.7
Wisconsin	15,657,458	9.1
Ohio	15,119,047	8.7
Virginia	13,130,977	7.6
Pennsylvania	13,042,165	7.5
New York	8,681,105	5.0
Iowa	8,449,403	4.9
Michigan	8,336,368	4.8
Kentucky	7,394,809	4.3

[14] *Twelfth Census of the United States*, 1900, Vol. VI, p. 32.

[15] These statistics are taken from a table in the *Twelfth Census of the United States*, 1900, Vol. VI, p. 92.

The next decade witnessed a rapid movement of population into the North Central States and the extension of the wheat producing area, as shown by Table III. It will be seen by this table that Illinois had now pushed to the head of the list and that Indiana and Wisconsin occupied second and third places, respectively, while Ohio had been reduced from second to fourth place. Pennsylvania dropped from first to sixth place, New York from third to seventh, and Virginia from fourth to fifth place. Pennsylvania, New York, and Virginia thus gave place to Illinois, Wisconsin, and Ohio, respectively, these States, together with Indiana, constituting the four leading wheat growing States. Iowa came in to replace Maryland which dropped out and Pennsylvania took the place of Indiana which now became, as shown before, one of the first four. Kentucky again entered the list and assumed tenth place in rank, replacing Missouri which was eliminated. By 1860 the center of wheat production had moved westward to a point eighteen miles north by east of Indianapolis, Indiana.[16]

Several factors made possible the rapid extension of wheat farming into this region. One of these was the development of transportation facilities. In 1850 there were 9021 miles of railroad in the country, only one-ninth of which extended into the trans-Allegheny West. The success of the Illinois Central Railroad, completed to Galena by 1850, greatly stimulated railway building in the fifties. By 1860 there were 30,626 miles of railroad in the United States. The North Central States had more than one-third of this mileage, while the North Atlantic States claimed second place. Ohio ranked first with 2946 miles and Illinois second with 2790. Indiana had more than 2000 miles, while Pennsylvania and New York both exceeded that figure. By 1860 railroads had penetrated every State east of

[16] *Twelfth Census of the United States*, 1900, Vol. VI, p. 32.

the Mississippi River and the States immediately west of the river, particularly in the North Central region, which were just beginning a period of rapid railway development. In the North Atlantic States, also, railways were improved and extended to connect with the western roads, so that improved means of communication between all parts of the country were being rapidly developed.[17]

The new and improved facilities for the transportation of agricultural products were instrumental in stimulating wheat production in Ohio, Indiana, Illinois, and the immediately adjoining States to the west and north. Regions were now opened up to wheat growing which heretofore had been unable to give attention to this product owing to the comparative lack of transportation facilities and the high cost of sending the wheat to market.

Another factor favoring the extension of wheat farming was the increasingly liberal land policy of the government. The preëmption system with the squatter's right of first purchase at the $1.25 an acre minimum had a stimulating effect on the westward movement and caused great numbers of people to emigrate to the new lands. By 1860 the total area of land disposed of by the Government under various acts to individuals and to the States amounted to 394,089,000 acres, the greater portion of which lay in the public land States east of the Mississippi River and in the first tier of States west of the Mississippi.[18]

The invention and introduction of improved farm machinery constituted another important factor in the extension of the wheat raising area. Among these inventions was the reaper which could cut from ten to twelve acres of grain in a day, whereas one man with the aid of the grain-cradle could cut only an acre and a half or two acres in the

[17] *Statistical Abstract of the United States*, 1893, p. 272.

[18] *Annual Report of the General Land Office of the United States*, 1860, p. 25.

same length of time.[19] During the fifties improved implements and machinery began to be brought into general use. By 1860 the total value of farm machinery in the United States amounted to $246,118,000.[20]

Finally, the growth of the domestic markets in the rapidly developing manufacturing centers of the East and the expansion of foreign markets, especially in England after the repeal of the Corn Laws in 1846, developed a strong demand for wheat which was reflected in good prices, all of which stimulated specialization in wheat farming.[21]

These are the forces which hastened the rapid movement of the wheat growing industry into the North Central region, which, with its favorable soil and climate, was soon to become the great wheat emporium of the world. The effect of these forces did not, however, become apparent until after 1860 when a revolution in agriculture took place,[22] one of the significant features of which was the further extension of wheat farming and increased specialization in that industry.

The influence of these factors on the westward movement of wheat production is shown in Table IV which gives the ten leading wheat growing States in 1869. This shows that wheat production had now become firmly established in the North Central States. Illinois still retained first place,

[19] See Casson's *The Romance of the Reaper;* and Thwaites's *Cyrus Hall McCormick and the Reaper* in the *Proceedings of the State Historical Society of Wisconsin,* 1909, pp. 234–259.

[20] *Twelfth Census of the United States,* 1900, Vol. V, p. 698.

[21] See, for example, Thompson's *Rise and Decline of the Wheat Growing Industry in Wisconsin,* Pt. I, Ch. I, Pt. II, Chs. I, II (Bulletin of the University of Wisconsin, Economics and Political Science Series, Vol. V, No. 3, 1909). See also Hibbard's *History of Agriculture in Dane County, Wisconsin,* Pt. I, Ch. VI (Bulletin of the University of Wisconsin, Economics and Political Science Series, Vol. I, No. 2, 1904).

[22] See the writer's article on *Some Significant Aspects of the Agrarian Revolution in the United States* in the present issue of THE IOWA JOURNAL OF HISTORY AND POLITICS.

TABLE IV

TEN LEADING WHEAT PRODUCING STATES IN 1869[23]

STATES	BUSHELS	PER CENT OF THE ENTIRE WHEAT CROP
Illinois	30,128,405	10.5
Iowa	29,435,692	10.2
Ohio	27,882,159	9.7
Indiana	27,747,222	9.6
Wisconsin	25,606,344	8.9
Pennsylvania	19,672,967	6.8
Minnesota	18,866,073	6.6
California	16,676,702	5.8
Michigan	16,265,773	5.6
Missouri	14,315,926	5.0

while Iowa advanced from eighth to second place, thus superseding Indiana which dropped to fourth place. Ohio rose from fourth to third place; while Wisconsin dropped from third to fifth place, replacing Virginia which together with New York and Kentucky were eliminated from the first ten. Michigan and Pennsylvania still held the same rank as before; while two States west of the Mississippi, Minnesota and California, took their place for the first time as leaders in wheat production. Thus, by 1870, all the eastern States except Pennsylvania had fallen below the rank of tenth, being replaced by the North Central States of Indiana, Wisconsin, Minnesota, Iowa, and by the extreme western State of California. In further evidence of the westward march of wheat it is shown that in 1839 no State west of the Mississippi was classed among the first ten; in 1849 Missouri ranked tenth and was the only one in this region; in 1859 Michigan and Iowa became competitors; and by 1869 four States west of the Mississippi had risen to positions among the first ten. All of the foremost wheat

[23] These statistics are taken from a table in the *Twelfth Census of the United States*, 1900, Vol. VI, p. 92.

producing States except Pennsylvania and California were within the Mississippi Valley. Moreover, the center of wheat production had by 1870 moved to a point eighty-two miles northeast of Springfield, Illinois.[24]

By 1880 other western States came into prominence as wheat growing States, while several of the older States dropped out of the list of the first ten as shown by Table V.

TABLE V

TEN LEADING WHEAT PRODUCING STATES IN 1879[25]

STATES	BUSHELS	PER CENT OF THE ENTIRE WHEAT CROP
Illinois	51,110,502	11.1
Indiana	47,284,853	10.3
Ohio	46,014,869	10.0
Michigan	35,532,543	7.7
Minnesota	34,601,030	7.5
Iowa	31,154,205	6.8
California	29,017,707	6.3
Missouri	24,966,627	5.4
Wisconsin	24,884,689	5.4
Pennsylvania	19,462,405	4.2

It will be noted, in comparing the first ten wheat producing States in 1879 with those of 1869, that Illinois still retained first place; while Indiana replaced Iowa as second and Iowa took the place formerly held by Pennsylvania which now dropped to tenth place. Ohio retained third place; while Michigan advanced from ninth to fourth place. Pennsylvania was reduced from sixth to tenth place, and Minnesota, California, and Missouri stepped up in the ranks of the first ten, occupying fifth, seventh, and eighth places, respectively. The number of Atlantic States included in the list of the first ten was therefore reduced from three in 1859 to one in

[24] *Twelfth Census of the United States*, 1900, Vol. VI, p. 32.

[25] These statistics are taken from a table in the *Twelfth Census of the United States*, 1900, Vol. VI, p. 92.

1879 and that State occupied tenth place. And whereas but one State west of the Mississippi River was included in the leading ten in 1859, by 1879 four trans-Mississippi States had entered the ranks of this group. The center of wheat production, furthermore, had by 1880 moved to a point sixty-nine miles northwest of Springfield, Illinois.[26]

It will also be noted that there was a very marked increase in the number of bushels of wheat produced in the States composing "the big ten". This is explained largely by the extension of the area devoted to wheat farming, especially in the newer States. Wheat farming is particularly well adapted to frontier conditions where there is usually a scarcity of labor. It is, moreover, an extensive type of agriculture. The specialization of wheat growing in the first ten wheat producing States in 1879 was also favored by the following forces: the importance of wheat as an article of commerce; the liberal land policy with free homesteads after 1862; the popularization of improved farm machinery, including the twine-binder which came into use near the close of the seventies; the tremendous influx of European immigration which set in on an unprecedented scale after the Civil War to supply the labor forces needed to recruit agriculture, industry, and commerce; the rapid extension and development of a network of railway transportation facilities; and the great and growing demand for western grain, particularly wheat, to supply the East, the South, and Europe, which were becoming more and more dependent on the virgin West for foodstuffs. By 1879 the North Central States had become the great surplus cereal producing region of the world.

During the succeeding two decades the influences which have been noted became further marked. The westward march of wheat continued, leaving the older settled regions

[26] *Twelfth Census of the United States*, 1900, Vol. VI, p. 32.

confronted with the necessity of introducing a more diversified as well as a more intensified system of farming, such as prevails to-day, for example, in the State of Iowa.

By 1889 the Northwest began to assert its claim to leadership in the production of wheat as shown by Table VI. The rapid advance of Minnesota, in the production of wheat

TABLE VI

TEN LEADING WHEAT PRODUCING STATES IN 1889[27]

STATES	BUSHELS	PER CENT OF THE ENTIRE WHEAT CROP
Minnesota	52,300,247	11.2
California	40,869,337	8.7
Illinois	37,389,444	8.0
Indiana	37,318,798	8.0
Ohio	35,559,208	7.6
Kansas	30,399,871	6.5
Missouri	30,113,821	6.4
North Dakota	26,403,365	5.6
Michigan	24,771,171	5.3
Pennsylvania	21,595,499	4.6

from fifth place in 1879 to first place in 1889 and the fact that Pennsylvania, still remaining at the bottom of the list, was the only eastern State to rank among the first ten, shows to what a great extent wheat was becoming a western product. California forged ahead from seventh to second place, thus bringing the Pacific Coast to the front as a wheat producing region. Illinois dropped from first to third place, Indiana from second to fourth place, and Ohio from third to fifth place. Wisconsin dropped out altogether, its place being taken by Michigan which dropped to ninth place. Kansas replaced Iowa, and North Dakota entered the list ranking eighth. Thus by 1890 the

[27] These statistics are taken from a table in the *Twelfth Census of the United States*, 1900, Vol. VI, p. 92.

Northwest, as represented by Minnesota and North Dakota, was beginning to assert its claim as the great wheat producing area of the country. Meanwhile, the center of wheat production had moved westward to a point one hundred and thirty-eight miles south by east of Des Moines, Iowa.[28]

TABLE VII

TEN LEADING WHEAT PRODUCING STATES IN 1899[29]

STATES	BUSHELS	PER CENT OF THE ENTIRE WHEAT CROP
Minnesota	95,278,660	14.5
North Dakota	59,888,810	9.1
Ohio	50,376,800	7.6
South Dakota	41,889,380	6.4
Kansas	38,778,450	5.9
California	36,534,407	5.5
Indiana	34,986,280	5.3
Nebraska	24,924,520	3.8
Missouri	23,072,768	3.5
Iowa	22,769,440	3.5

By the end of the century the wheat belt had moved definitely into the western group of the North Central States, as shown by Table VII which gives the first ten wheat producing States for 1899. Minnesota retained first place and Illinois dropped out altogether. North Dakota ranked second, thus taking the place of California, now reduced to sixth place, while Indiana dropped from fourth to seventh place. Ohio recaptured third place while South Dakota entered the list taking the place of Indiana. Kansas came up to fifth place which had previously been held by Ohio. Nebraska was added, taking eighth place. Missouri was reduced to ninth place, while Iowa again produced enough

[28] *Twelfth Census of the United States*, 1900, Vol. VI, p. 32.

[29] These statistics are taken from a table in the *Twelfth Census of the United States*, 1900, Vol. VI, p. 92.

wheat to be included in the list, ranking tenth. Wisconsin and Pennsylvania dropped out altogether.

By 1900 the North Atlantic group of States were no longer represented in the list of the first ten wheat producing States and only two States — Ohio and Indiana — in the East North Central group remained in the list. Four new States of the West North Central group had been added — the two Dakotas, Kansas, and Nebraska — thus giving this region seven of the ten leading wheat producing States, with California making a total of eight out of the first ten in the region beyond the Mississippi River. The center of wheat production had now moved to a point seventy miles west of Des Moines.[30]

The following decade witnessed a further extension of the wheat belt due to the continued operation of the forces already described. Table VIII gives the first ten wheat producing States for 1909. In comparing the wheat production of 1909 with that of 1899 it is found that North Dakota advanced from second to first place, thus crowding

TABLE VIII

TEN LEADING WHEAT PRODUCING STATES IN 1909[31]

STATES	BUSHELS	PER CENT OF THE ENTIRE WHEAT CROP
North Dakota	116,781,886	17.0
Kansas	77,577,115	9.9
Minnesota	57,094,412	8.3
Nebraska	47,685,745	6.9
South Dakota	47,059,590	6.9
Washington	40,920,390	5.9
Illinois	37,830,732	5.5
Indiana	33,935,972	4.9
Ohio	30,663,704	4.5
Missouri	29,837,429	4.3

[30] *Twelfth Census of the United States*, 1900, Vol. VI, p. 32.

[31] These statistics are taken from a table in the *Thirteenth Census of the United States*, 1910, Vol. V, pp. 590, 591.

out Minnesota which, however, still held a high place as third in the list. Kansas rose from fifth to second place while Ohio dropped from third to ninth place. Nebraska rose from eighth to fourth place, taking the place of South Dakota which dropped to fifth. Washington entered the list occupying sixth place, superseding California which dropped out altogether. Illinois reëntered the list as seventh, while Indiana dropped from seventh to eighth place. Missouri dropped from ninth to tenth place and Iowa was eliminated altogether.

A study of the preceding tables shows the tendency of the wheat growing industry to become concentrated in the West North Central States, or what James J. Hill termed "The Great Northwest". Only three States east of the Mississippi remained in the list of the first ten wheat producing States and not one of these showed a material increase in wheat production. While Iowa dropped out of the list altogether, Missouri showed a substantial increase. North Dakota, South Dakota, and Nebraska, however, showed an increased production of wheat nearly double that returned by the United States census of 1900, and the entry of Washington emphasized the importance of the Pacific Coast as a wheat producing region.

Finally, the relative importance of the nine geographic divisions of the country in the production of wheat for the years 1899 and 1909 is shown by Table IX. This shows that in 1909 the seven West North Central States — Minnesota, North Dakota, South Dakota, Kansas, Nebraska, Iowa, and Missouri — produced 384,092,000 bushels of wheat; while the five East North Central States — Ohio, Indiana, Illinois, Wisconsin, and Michigan — produced 121,098,000 bushels, or less than one-third of that produced by the West North Central group. Moreover, the first group showed an increase of 77,490,000 bushels of wheat or 25.3 per cent over the amount returned by the census of 1900; while the second

group showed a decrease of 3,601,000 bushels or 10.1 per cent less than the returns of 1900. All other divisions record a lower production for 1909 than for 1899, except the Mountain States, which include Montana, Wyoming, Idaho, Nevada, Utah, Colorado, Oregon, and New Mexico.

TABLE IX

WHEAT PRODUCTION BY GEOGRAPHIC DIVISIONS FOR THE YEARS 1899 AND 1909[32]

DIVISION	1899 BUSHELS	1909 BUSHELS	PER CENT OF INCREASE
West North Central	306,602,028	84,092,121	25.3
East North Central	134,698,890	121,097,675	—10.1
Pacific	72,230,570	59,580,347	—17.5
Middle Atlantic	32,947,945	29,717,833	—9.8
Mountain	18,084,360	29,654,968	64.0
South Atlantic	31,902,857	26,650,768	—16.5
West South Central	35,046,935	17,096,127	—51.2
East South Central	26,854,542	15,374,422	—42.7
New England	166,125	114,998	—30.8

It will therefore be seen from the foregoing considerations that the North Central States during the first decade of the present century, as in the late decades of the nineteenth century, far outstripped the remaining sections of the country in the production of wheat. This further points to the conclusion that for many years to come the Missouri-Mississippi River system is destined to remain the home of the wheat growing industry in the United States. Meanwhile, the westward movement of the wheat growing industry has brought the Canadian Northwest to the front as a worthy competitor.

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[32] These statistics are taken from a table in the *Thirteenth Census of the United States*, 1910, Vol. V, p. 590. The minus sign before the per cent indicates decrease.

HISTORICAL SURVEY OF THE MILITIA IN IOWA
1898–1916

[This paper covers the period from the Spanish-American War to the recent mustering of the Guard into Federal service for border duty in 1916. Articles dealing with the earlier periods in the history of the militia in Iowa appear under a similar title in the IOWA JOURNAL OF HISTORY AND POLITICS for July, 1919, and January, 1920.— EDITOR]

During the Spanish-American War the entire National Guard of Iowa was either mustered into Federal service or discharged, so that for a time Iowa was without an organized militia of any kind. Technically, of course, all members were discharged from the Guard: those who volunteered for United States service were given honorable discharges as of the dates of muster-in of their respective regiments; those who failed to volunteer and those who were rejected upon physical examination were also honorably discharged from the service of the State.[1]

Almost immediately many applications were received for the organization of Guard companies to take the place of the ones which had "volunteered to do battle for their country and flag." The Governor and Adjutant General decided that the vacancies created by the companies volunteering were to be "kept sacred for them until their return."[2]

The Fiftieth and Fifty-second regiments were mustered out of United States service in October and November of 1898 and were reorganized into National Guard companies and regiments, retaining their company and regimental designations and, largely, their war-time personnel.

[1] *Report of the Adjutant General of Iowa,* 1899, p. 9.

[2] *Report of the Adjutant General of Iowa,* 1899, p. 2.

There seemed to be a distinct feeling throughout the State that the National Guard was a valuable instrument of protection, and should be encouraged. The presence of war had emphasized the importance of the organization and the sentiment was general that it should be perpetuated. "The state has every reason to be proud of its gallant soldiers in the Spanish and Philippine wars," wrote Inspector General Lincoln in 1899, "but advantage should be taken of all learned by experience in the field, and old errors should be eliminated from the guard so we may be better trained for future call to service."[3]

The Fiftieth and Fifty-second regiments camped during the summer of 1899 — the Fiftieth regiment at Burlington and the Fifty-second at Clear Lake. Troop A, of cavalry, which had been organized at Des Moines late in 1898, camped with the Fifty-second regiment. Rain interfered with this camp, but drills and ceremonies were executed nevertheless and the conduct of the men was excellent. The after-war spirit, however, broke loose in the camp of the Fiftieth regiment, and, while ceremonies and drill were well attended to, discipline was poor. The use of liquor was said to be "entirely too free" and there were reported raids on private property in the vicinity of camp. Indeed, the Assistant Inspector General called the attention of the visiting staff officers "to the fact that their tour of duty, or visit at the camp, is not for the purpose of absorbing liquor, but to learn the duties of their departments".[4]

It was suggested after the encampment of 1899 that the Guard be encamped thereafter by brigades. "The late war proved", it was said, "how greatly we need officers competent from experience to handle successfully large bodies

[3] *Report of the Adjutant General of Iowa*, 1899, pp. 14, 515.

[4] *Report of the Adjutant General of Iowa*, 1899, p. 517.

of troops."[5] The criticism was made, also, that too much time was spent in useless parades and ceremonies. "What need of even such a thing as a practice review? Formations for attack may well be substituted for ceremonies."[6]

Several of the recommendations of the Adjutant General in his report for 1899 are worthy of mention. He wanted the system of election of National Guard officers abolished for he was of the opinion that Iowa would never have a well disciplined Guard as long as the enlisted men were allowed to elect their own officers. This, he thought, was the greatest weakness in the organization of the State troops.

A permanent camp ground and target range owned by the State was urged as a necessity. It was also proposed that the State use its influence to secure legislation by the Federal government making State troops national in fact as well as in name. Finally, it was suggested that "the enlistment oath be such as to include any and all service under the general government."[7]

By November 30, 1899, the time of the Adjutant General's report, three companies of the Forty-ninth regiment and one company of the Fifty-first regiment had been reorganized. Reorganization proceeded rapidly so that all four regiments were soon filled up and all camped in 1900. Enlistments in the Iowa National Guard were now in accord with the Regular Army standard, as laid down in Tripler's Manual.[8]

The legislation of 1900 repealed the Code section which provided for the organization of the Guard into two brigades, leaving the regiment as the highest unit. Thus there were left no general officers of the Guard aside from staff

[5] *Report of the Adjutant General of Iowa,* 1899, p. 515.

[6] *Report of the Adjutant General of Iowa,* 1899, p. 515.

[7] *Report of the Adjutant General of Iowa,* 1899, pp. 20, 21.

[8] *Report of the Adjutant General of Iowa,* 1899, p. 19, 1901, p. 4.

officers. The salary of the Adjutant General was increased to $2000 and he was given a record clerk at a salary of $1200. When State troops were employed in Federal service, the compensation of the Adjutant General was to be that of a Colonel in the Regular Army. He was also to act as Quartermaster General at such times. The grade of regimental quartermaster was changed from First Lieutenant to Captain.

The organization of the company, troop, and battery was changed somewhat. An infantry company could now have a first sergeant, quartermaster sergeant, and two cooks, in addition to the duty sergeants and corporals earlier authorized. Troops and batteries were allowed a farrier, blacksmith and saddler, but no veterinarian. In the medical and staff departments the changes were mostly occasioned by the abolition of brigades, thus making unnecessary brigade staff officers.

A new departure in militia legislation in Iowa was the following provision: "That there shall also be paid to each officer and soldier for attendance at company drill at the company station, the sum of ten cents per hour and not exceeding twenty cents in any one week, provided, that from any money due any officer or soldier for attendance at company drills shall be deducted the sum of ten cents per hour and not exceeding twenty cents in any one week for absence without leave from any such drills."[9]

A measure for the benefit of Spanish-American War veterans was promulgated as General Order No. 3, on March 23, 1900. By it all former members of the Iowa National Guard who had volunteered and had been mustered into United States service, as well as those who had passed the physical examination and had volunteered for United States service, but for whom there had been no opportunity to

[9] *Laws of Iowa*, 1900, Chs. 72, 73.

serve because of the difference in organization of the Iowa National Guard and the volunteer regiments, and who had joined the Guard upon its reorganization, were given a record of continuous service.[10]

In June, 1900, orders were issued providing for the organization of a Signal Department and a Medical Department of the Iowa National Guard. The Signal Department was to consist, in addition to the commissioned officers authorized by the Code, of four sergeants, eight corporals, and twenty-eight privates, to be taken proportionately from the four regiments. The enlisted men of the Medical Department were to be four hospital stewards, twelve acting hospital stewards, and twenty-four privates similarly recruited.[11]

Encampment in the summer of 1900 was by regiment; but in 1901 the Forty-ninth regiment and the Fiftieth regiment camped together at Dubuque, and the Fifty-first regiment and the Fifty-second regiment camped together at Council Bluffs, thus forming two provisional brigades. In both years Troop A of cavalry was assigned to camp with the Fifty-first regiment of infantry. Summer camps were by this time no experiment. Some were more successful than others because some officers were more conscientious than others. Always there were faults to correct and always there were things that might be improved. They proved themselves "experimental soldiers" in 1900 by flying the flag from a box kite instead of a pole, which was said to be "more novel than military".[12]

At the close of the camps of 1901 the Inspector General wrote that there were "three things our camps can dispense with to the good of the service, viz: Sutlers, Y. M. C. A., and women.

[10] *Report of the Adjutant General of Iowa,* 1901, Appendix, p. 14.

[11] *Report of the Adjutant General of Iowa,* 1901, Appendix, pp. 39, 40.

[12] *Report of the Adjutant General of Iowa,* 1901, Appendix, p. 74.

"There is nothing the sutler sells the men would not be better without. The ration is sufficient for the authorized enlisted force in camp and does not need to be eked out with poor ices, ice cream, and so-called 'soft drinks' that are worse than slops and ruinous to the stomach.

"The Y. M. C. A. are not required in camp to either handle mail or advertise themselves on elaborate letter-heads erroneously printed. It should be part of camp instruction for a command to care for its own mail. In the short week of camp it is not really necessary to write many letters and the men should be taught to look out for themselves in regard to writing materials, stamps, etc.

"As to women living in camp, it is a difficult subject to properly treat. But if they do not know or care that they are a nuisance, underfoot, and a detriment to the good work and benefits expected of camp, they have so far unsexed themselves as to be for once on an equality with men and should be plainly ordered to stay out of camp. They become a nuisance as soon as they leave home with a command, crowding the cars to the discomfort of the men, and in camp they not only crowd the grounds, but eat to the detriment of the company messes, and I have never heard of their 'chipping in' to help out the mess . . . . Camps should not be made a military picnic."[13]

In 1900 the first State rifle meet since 1897 was held. It seemed certain now that the militia was soon to be outfitted with the "Krag" rifle used by the Regular Army, or with some other high power rifle, and for this reason it was again urged that a permanent State Rifle Range be acquired and owned by the State.[14]

During the biennial period ending November 30, 1901, six companies of infantry were mustered out and five com-

[13] *Report of the Adjutant General of Iowa*, 1901, p. 73.

[14] *Report of the Adjutant General of Iowa*, 1901, Appendix, p. 56.

panies in other cities accepted in their places. Another was being organized at the time of the Adjutant General's report. Troop A of cavalry was also mustered out in August, 1901.[15] Every year or almost every year saw some companies mustered out because of inefficiency or failure to maintain minimum strength. All men enlisting in Guard companies were now required to pass a physical examination; but it was alleged that the examining physicians did not always do their work carefully. Some companies still perpetuated the idea of the militia being a social organization by maintaining recruiting committees and voting on candidates for membership.[16] Indeed, the cavalry equipment of the State was in the possession of a private riding club.[17]

The Twenty-ninth General Assembly in 1902 included a signal company in the authorized organization of the Guard, prescribed its personnel, and abolished the office of regimental signal officer. Deputy Surgeons were made Deputy Surgeons General, and Assistant Inspectors of Small Arms Practice became Assistant General Inspectors of Small Arms Practice. It was required that aids to the Governor must hereafter be men who had served in the regular or volunteer service of the United States or in the Iowa National Guard one year. It was prescribed that the duties of the Quartermaster General were to be performed by the Adjutant General, although the list of staff officers still included a Quartermaster General.

The *Code of 1897* provided that National Guard troops when in the service of the United States should receive from the State the same compensation and subsistence that the army of the United States received. The words "from the

[15] *Report of the Adjutant General of Iowa*, 1901, pp. 3, 4.

[16] *Report of the Adjutant General of Iowa*, 1901, Appendix, pp. 74, 76.

[17] *Report of the Adjutant General of Iowa*, 1901, p. 76.

state'' were stricken out in 1902. Reënlistments in the Guard must now be made within thirty days to insure a record of continuous service. The armory allowance was increased from $200 to $300 and the annual appropriation for Guard expenses from $52,200 to $57,350.[18]

A new departure so far as Iowa was concerned was authorized when this General Assembly enacted a law providing that at the discretion of the Governor there might be organized a naval force to be designated ''Naval Militia'' to consist of one ship's crew and commissioned officers therefor. It was provided, however, that said naval militia must be organized and equipped ''without expense to the state of Iowa, or to the appropriation for the maintenance of the Iowa national guard, or the appropriation made by the general government to aid the national guard of the several states.''[19] As a matter of fact, this law never was made effective, because the ''Naval Militia'' was never organized.

The signal company authorized by law was organized in Des Moines in April, 1902.[20] During 1902 and 1903 eight infantry companies and one regimental band were mustered out — all but one upon the recommendation of the Inspector General's department — and others accepted to take their places.[21]

General Orders No. 19, under date of November 26, 1902, changed the designation numbers of the four regiments. The Forty-ninth regiment became the Fifty-third, the Fiftieth became the Fifty-fourth, the Fifty-first became the Fifty-fifth, and the Fifty-second became the Fifty-sixth. The State, furthermore, was divided up into four military

[18] *Laws of Iowa*, 1902, Chs. 88, 89.

[19] *Laws of Iowa*, 1902, Ch. 90.

[20] *Report of the Adjutant General of Iowa*, 1903, p. 95.

[21] *Report of the Adjutant General of Iowa*, 1903, p. 4.

districts and counties were designated as being in certain districts.[22]

The Guard camped in 1902 and 1903 by regiments. In the latter year the Fifty-fifth regiment went to Fort Riley, Kansas, for maneuvers with Regular Army troops. It had with it at this time detachments from the other regiments to bring its rifle companies up to the required strength. The Fifty-fourth regiment took part the same year in the dedicatory ceremonies of the Louisiana Purchase Exposition in St. Louis. Company A, Fifty-third regiment, did strike duty at Dubuque in the month of June, 1903, in connection with a street car strike.[23]

The well-known "Dick Bill", passed by Congress to increase the efficiency of the militia, became a law in 1903.[24] It was under the provisions of this act that the Fifty-fifth regiment had maneuvered with the Regular Army in 1903 at Fort Riley, Kansas.

In 1904 the General Assembly made a number of changes in the militia law, some of them necessitated by the legislation of Congress. Thus it was allowed that in lieu of encampments State troops might be sent to participate in maneuvers with the Regular Army for not more than fifteen days a year. The law as to payment for active service was rewritten and made clear and definite. Larger power over the men at encampments was given the commander-in-chief. Greater restrictions were set up on the selling of liquor near camp grounds used for drill, target practice, or other duty.

The regimental staffs, commissioned and non-commissioned, underwent minor alterations. So, too, did the or-

[22] *Report of the Adjutant General of Iowa,* 1903, pp. 200, 201.

[23] *Report of the Adjutant General of Iowa,* 1903, pp. 6, 7.

[24] For a discussion of the terms of this bill see THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XVII, p. 308.

ganization of the bands. Company organization now included an artificer. The medical and staff department sections of the Code were rewritten but not materially changed. The Governor was again authorized to appoint an Assistant Adjutant General with the grade of Major upon the recommendation of the Adjutant General.[25]

The annual appropriation was increased to $70,000 to take care of the added expense incident to payment for company drill. The provision for pay was also extended to include target practice as well as company drill. An additional emergency appropriation of $10,000 was made to pay a deficit in running expenses. It was still further provided that when the act pending at that time in Congress by which some $20,545.70 was to be given to Iowa in payment of Spanish War claims, was passed, the money should be expended for a permanent State camp ground.[26]

In July, 1904, this permanent camp ground was purchased. It comprised a quarter section of land adjoining the Fort Des Moines Military Reservation, five and a quarter miles south of the city of Des Moines. Provisional brigade camps were held here in 1904 and regimental camps in 1905. Improvement of the grounds was hindered by lack of funds, but a few temporary buildings were erected and the entire tract was seeded. Indeed, it was recommended that a practice march combined with maneuvers take the place of the 1906 encampment, in order that the new growth of grass might be undamaged, and a perfect sod be formed.[27]

No sooner did the permanent State camp ground become an actuality than many of the Guard officers decided it was a mistake to have one — that camping in the same place

[25] *Laws of Iowa*, 1904, Ch. 77.

[26] *Laws of Iowa*, 1904, Chs. 77, 151, 152.

[27] *Report of the Adjutant General of Iowa*, 1905, pp. 13, 14, 66.

every year was the wrong principle. One reason for dissatisfaction was the poor transportation facilities between Des Moines and the camp. The street railway company showed no disposition to coöperate with the military in this respect. "I would therefore recommend", wrote the Inspector General in 1905, "that if this condition is not changed and ample and satisfactory facilities are not provided or guaranteed by them before the next annual encampments, that the present camp grounds be disposed of by sale or otherwise and the permanent camp be located elsewhere."[28] This was not an objection to the system of a permanent camp, but merely to its location.

But other officers thought the system a failure. Lieutenant Colonel Hubert A. Allen, in command of the Fifty-third regiment, wrote in 1905, "I am convinced after two years camping at the permanent camp grounds at Des Moines, that a permanent camp ground located at Des Moines, is a detriment to the Guard for various reasons among which I might mention the following: Anything that tends to dampen the enthusiasm of the members toward attending camp is detrimental. That there is very little desire among men who have attended one camp at the permanent camp ground to attend another is well known to most company commanders, at least in the 53rd Regiment.

"I find that the best companies are those who have the earnest and hearty support of their home communities, that if their weekly drills are attended by their home citizens it has a very encouraging and beneficial effect upon the company. Why shouldn't the same thing hold true in camp. If there are large crowds out to see the drills, is there not an incentive for the men to make their most creditable appearance and do their best work. . . .

"Camps have been and should be a great inducement to

[28] *Report of the Adjutant General of Iowa*, 1905, p. 72.

men to join and others to stay in. If a permanent camp fails to do this we should revert to the old method of 'passing it around.' . . . . In my way of thinking a yearly encampment in different cities give the officers and men standing and influence in every such encampment in a different city and adds that much to the constituency to the guard . . . . and after all we are much more dependent upon the state of Iowa than upon the National Government and the State must stand back of our future growth."[29]

But Adjutant General William H. Thrift, who had been appointed February 1, 1905, favored the permanent ground. "I am decidedly in favor of the State Camp Grounds," he wrote, "and believe it would be a serious mistake should the Guard return to the old system of holding their encampments in regimental districts, as has been suggested."[30]

Again in 1906 the legislature made a number of changes in the militia laws. It was enacted that when the Guard was ordered into service, it was to be "as organized and officered" unless otherwise directed in the requisition. The time within which a guardsman might re-enlist and have a record of continuous service was extended to ninety days. Some changes were made relative to the Governor's staff. The Quartermaster General was required to act as Commissary General. The provision for a Military Secretary was left out. It was directed that the staff might be appointed and commissioned by the Governor, or detailed from the Guard, or might consist of United States Army officers detailed for duty by the War Department. Such officers might be assigned grade in the Guard up to Colonel. Regimental hospital detachments consisting of a first class

[29] *Report of the Adjutant General of Iowa*, 1905, pp. 75, 76.

[30] *Report of the Adjutant General of Iowa*, 1905, p. 14.

sergeant, two sergeants, one cook, and twelve to fifteen privates were authorized.

The duties of the Adjutant General were prescribed, and it was provided that when in United States service he was to receive the pay and allowance of a Brigadier General. The ten day limit on camps was abolished. The Code section prohibiting compensation for company drill was repealed, having been repealed by implication before when such pay was authorized. Accountable officers were hereafter to give bond and it was made the duty of the Attorney General to prosecute actions on such bonds.

Inspections by Regular Army officers were authorized; and schools of instruction were to be maintained if sufficient funds were available. It was further provided that four regimental rifle ranges might be designated, and that $2000 might be spent for the acquisition and construction of each; that $200 might be spent annually for the rental and maintenance of such regimental ranges; and that each company might receive $100 annually for the maintenance of a company range, "when sufficient funds are available beyond other requirements".

One hundred dollars annually was allowed each regimental headquarters, each company commander, and each regimental band, for postage, stationery, and clerk hire, as well as $10 each to the Surgeon General, the General Inspector of Small Arms Practice, and each regimental Inspector of Small Arms Practice. Armory rent was increased to $600 for each company or band and $100 was allowed for each regimental hospital detachment. The Assistant Adjutant General was given a salary of $1500 annually in time of peace. The total annual appropriation for the National Guard was increased from $70,000 to $82,000,[31] still $18,000 short of what the Adjutant General asked.[32]

[31] *Laws of Iowa*, 1906, Ch. 91.

[32] *Report of the Adjutant General of Iowa*, 1905, p. 12.

Again in 1905 there was a sentiment expressed against sutlers and the Y. M. C. A. "The selling of privileges, especially for a sutler's quarters," wrote the Colonel of the Fifty-sixth regiment, "I think very detrimental to the discipline and health of the regiment.

"This regiment, having a competent as well as an experienced Chaplain, could in my judgment do away with Y. M. C. A. quarters, as I can see no advantage and possibly some disadvantages. This being a school of instruction in Military duties instead of religion."[33]

Field service in 1906, as had been recommended by the Adjutant General, consisted of practice marches with maneuvers for three of the regiments. The Fifty-third regiment marched from Dubuque to Maquoketa, the Fifty-fourth from Muscatine to Davenport, and the Fifty-fifth from Red Oak to Atlantic. The Fifty-sixth regiment maneuvered at Fort Riley, Kansas, with regular troops. The First Signal Company had been mustered out June 1, 1906, for failure to retain the required standard of efficiency. Prior to the practice marches there was held a school of instruction for officers.[34]

Due to the change in the years of meeting of the General Assembly, a change was made in the time the Adjutant General should submit his report, so that General Thrift's next report was made in December, 1906. At that time all infantry regiments were full, no changes having been made since the previous report. The minimum strength of companies was fifty enlisted men and three officers. Each regiment had a hospital corps and a band. Every company but one had had rifle practice on its company range, and every company had been inspected by Federal officers. All in all, the Guard was an efficient organization.

[33] *Report of the Adjutant General of Iowa*, 1905, p. 85.

[34] *Report of the Adjutant General of Iowa*, 1906, pp. 4, 96, 97.

The legislation of 1906, in repealing section 7 of chapter 77, of the laws of 1904 had abolished the offices created by said section 7, according to an opinion given by the Adjutant General, and hence it was held that the tenure of office of the Commissary General, Military Secretary, Deputy Surgeon General, four Regimental Surgeons, eight Regimental Assistant Surgeons, Assistant Inspector General, four Regimental Inspectors of Small Arms Practice, and the Engineer Officer had terminated on April 12, 1906, the day chapter 91 of the acts of the Thirty-first General Assembly became law; and they were accordingly given honorable discharges from the service of the State. Major Surgeons were also instructed to muster out the enlisted men of their department.

Another section of chapter 91 of the laws of 1906 recreated some of these offices, and also provided for a hospital detachment for each regiment. These were regarded as new offices, and must be filled by new appointments, accordingly each regimental commander was ordered to make recommendations for one Major Surgeon, two Assistant Surgeons, one Quartermaster Commissary officer for each battalion, and an officer to serve as Regimental Inspector of Small Arms Practice. Major Surgeons were to make the required enlistments in the Hospital Corps.[35]

The Thirty-second General Assembly did not materially change the militia law. The most important military act of this Assembly was one increasing the annual appropriation to $100,000. The law which paid guardsmen for attending company drill was repealed and instead a lump sum of $500 was authorized to be given to companies showing good attendance at drills. Lesser sums were authorized for bands and hospital corps. The incidental expense money for

[35] *Report of the Adjutant General of Iowa*, 1906, pp. 93, 94.

bands was reduced to $50 and that for staff officers was increased to $50.[36]

It was in 1907 that the Roster and Record of Iowa Soldiers, for which Adjutant General Nathaniel B. Baker had pleaded so earnestly, was authorized. Still another law of 1907 made it possible to sell the permanent State Camp Grounds and buy a new one, the new site to be "adjacent to a rifle range to be acquired for the use of the guard by the United States."[37]

In 1907 all regiments participated together in field maneuvers at Des Moines. In 1908 the Fifty-third and Fifty-fourth regiments went to Fort Riley, Kansas, while the Fifty-fifth and Fifty-sixth held regimental encampments at Clarinda and Spirit Lake respectively. Considerable attention was being given at this time to small arms firing. Smith W. Brookhart had been appointed General Inspector of Small Arms Practice in January, 1907. Iowa teams were competing successfully in the national and inter-State rifle meets. The new rifle range was completed in October, 1907, eleven miles north of the city of Des Moines. The Guard was now armed with Springfields, and each company put considerable emphasis on target practice.[38]

The members of the Guard were making a strenuous attempt now to be real soldiers. Every effort was put forth to merit the approval of the Federal government. The Captain of a Davenport company was courtmartialed for disobedience of orders in not stopping a prize fight. Objection was made that the first sergeant of Company L, 56th Infantry, lived in South Dakota, and held a commission as aid on the staff of the Governor of South Dakota, and hence was not properly even a member of the Iowa National

[36] *Laws of Iowa*, 1907, Ch. 117.

[37] *Laws of Iowa*, 1907, Chs. 223, 241.

[38] *Report of the Adjutant General of Iowa*, 1908, pp. 6, 8.

Guard. The Iowa Rifle Association was a big help in getting people interested in the Guard. The Division of Militia Affairs was created in the War Department in 1908, and there was active coöperation between State and nation. Federal officers inspected the Guard regularly. The company minimum had now been set by Congress at fifty-eight enlisted men and three officers, which minimum must be reached by the State by January, 1910.

A statement made in 1908 by one of the inspecting officers corroborates the opinion of those who argued for the doing away with the permanent camp ground at Des Moines. "It is the duty of the state," he wrote, "to consider the individual as well as the public welfare. For many members of the guard, the summer encampment or maneuver is the only outing they have and the state should, therefore, select places for encampments and maneuvers which, while affording reasonable advantages from a military standpoint, would also give the soldier, when not engaged in military work, an opportunity for enjoyable recreation. This year's camp of the 56th regiment at Spirit Lake was ideal in that respect. There the men when off duty could swim, fish, row, and engage in other outdoor sports desirable for young men."[39]

The Thirty-third General Assembly, in 1909, repealed all former militia laws[40] and enacted an entirely new Military Code. Under it the militia was extended to include "every able-bodied male of foreign birth, who has declared his intention to become a citizen, who is between the ages of 18 and 45 years," as well as male citizens between those ages.

The new law was very compact, yet so elastic as to allow the Governor to change the organization of the Guard from

[39] *Report of the Adjutant General of Iowa,* 1908, pp. 8, 228, 239, 318, 368, 457.

[40] This enactment removed the authorization for Naval Militia.

time to time, so as to conform to the requirements for the organized militia under the laws of the United States. Indeed, it was made mandatory for him to so do.

The four regiments of infantry were continued, a machine gun company was authorized as well as a medical department consisting of a medical corps and a hospital corps. The term of general, field, and line officers was made eight years. The Governor's staff was to be made up of an Adjutant General, an Assistant Adjutant General, and twelve Aids. The salary of the Adjutant General was made $2200 in peace time, and the same as that of a Brigadier General in war time. Divisional, brigade, and regimental staffs were provided. Thus while the law did not specifically provide for brigades, or a division, it implied that such were to be organized.

A significant provision in this law was one which allowed the President of the United States to call the National Guard for service outside the United States. The time limit on the annual encampments was removed. Armory rent was increased to $800 annually for each company, with $500 for each band and $300 for each hospital corps; and armories were made exempt from taxation. Incorporation of companies was made allowable, and the annual appropriation for the entire Guard was increased to $140,000.[41]

In accordance with this law, a brigade was organized on July 5, 1909, consisting of four infantry regiments. The Medical Department was made a separate organization. Plans were made for creating a field hospital company and an ambulance company. Officers were commissioned and assigned to the Adjutant General's Department, the Judge Advocate General's Department, the Quartermaster's Department, the Subsistence Department, the Ordnance Department, the Engineer Corps, and the Signal Corps, but

[41] *Laws of Iowa*, 1909, Ch. 131.

these organizations were not further perfected. Regimental organizations were changed to conform to War Department regulations. Machine gun companies could not be organized because of a change in the model of gun for this branch of service. This reorganization was spoken of as a "remarkable change in the National Guard of this State," the most remarkable feature of which was "the stride taken toward efficiency and an assumption of the organization of the United States Army."[42]

This reorganization was effected largely by General Orders No. 13, published on June 25, 1909, which established offices, corps, and departments, presented tables of organization, provided for election of officers and made some assignments.[43]

Encampments in 1909 were by regiment. Two troops of United States Cavalry were detailed for duty with each camp. In 1910, the First Brigade, less one regiment (Fifty-fourth Infantry) maneuvered with troops from the United States Army at Camp McCoy, near Sparta, Wisconsin. The Fifty-fourth Infantry went into regimental camp at Iowa City in conjunction with two troops from the Sixth United States Cavalry.[44]

By General Orders No. 9, issued under date of April 29, 1910, the State Camp Ground eleven miles north of Des Moines was named Camp Dodge, in honor of Major Grenville M. Dodge.

Iowa showed up particularly well in the national rifle shoot in 1910. In the skirmish, the most important part of the national match, Iowa made the high run. This feat put Iowa in third place in the national match. The Marine Corps tied with Iowa in points, but for technical reasons

[42] *Report of the Adjutant General of Iowa,* 1910, pp. 3, 4.

[43] *Report of the Adjutant General of Iowa,* 1910, pp. 246–253.

[44] *Report of the Adjutant General of Iowa,* 1910, p. 8.

was ruled out. It was the first time an Iowa team had won a place.[45]

Regimental camps were held in 1911. Only one regiment, however, the Fifty-sixth Infantry, to which was attached the Field Hospital, camped at the State Camp Ground at Camp Dodge. In 1912 the entire First Brigade was ordered in maneuver camp with one squadron from the Sixth United States Cavalry at Iowa Falls.

Adjutant General Guy E. Logan, who had been commissioned on February 1, 1909, reported in December, 1912, that the only change in organization since the last report was the organizing of a Field Hospital, completely equipped with operating tables, surgical instruments, tentage, and the like. There had also been received full equipment for four machine gun companies, but the companies had not been organized. There had, of course, been the usual number of companies mustered out and others mustered in to take their places.

Iowa guardsmen won two places on a team of eight marksmen who represented the United States in the Olympic games. Lieutenant Colonel Smith W. Brookhart, too, was selected to captain the rifle team which competed in the Palma match with Canada in 1912. The Guard, undoubtedly animated by rumors of possible Mexican service, was reaching a high plane as a potential fighting force. Colonel William T. Chantland, who terminated his active command of the Fifty-sixth Infantry in 1912, made an interesting commentary on this development: "It seems entirely useless," he wrote, "to compare the Guard when I entered it in 1892, with it now, twenty years after, in 1912. It is not at all the same institution. At that time it was, at its best, a well-drilled, half military, half display institu-

[45] *Report of the Adjutant General of Iowa*, 1910, pp. 335, 373. But see *Report of the Adjutant General of Iowa*, 1912, p. 7.

tion. Now, at its best, it is a well-equipped military institution nearly, if not quite, ready to take the field for active service. Officers and non-commissioned officers now are devoting every bit of spare time and energy to the study of the problem of field service, equipment, sanitation, maintenance and efficiency. In other words, now the force is in dead earnest for the ultimate object of its existence, namely, to put the greatest number of effective men on the firing line, in the highest state of efficiency, when needed."[46]

Colonel Chantland had some very definite ideas, too, as to the summer encampments, which are worth repeating. He wrote:

> I conceive in general the object of an encampment of the National Guard to be fourfold:
>
> (1) To ascertain, by the experience in camp and field, how nearly the commands are fit for actual service on short notice.
>
> (2) To provide remedies as fully as possible for the then and there ascertained deficiencies.
>
> (3) To provide general instruction for officers and men, more particularly in the field work and of a nature which it is impossible for the organizations and officers to receive at the home stations of troops stationed, as our Iowa troops are, with only one or two companies at a post, and where the larger units are combined only once a year at such camp.
>
> (4) Through encampment and its different work, to add such interest and variety to the life of a National Guard soldier as will enable the company commander throughout the year to recruit up and maintain his organization in the steady grind of the year's work, and to maintain it during all of said time in a fairly efficient condition.
>
> I hold that encampment to be most successful which does most in each of these lines. It may be suggested that such a statement is merely another way of saying that that camp is most successful which does the most work. That is error. In my judgment a camp may be a very hard working camp and yet if it fails distinctly in

[46] *Report of the Adjutant General of Iowa*, 1912, p. 118.

any one factor enumerated, it will be of no lasting or substantial benefit to the organizations participating.

Frankly, I believe that National Guard camps whose routines are so crowded with work as not to enable the men to complete their schedule of work and incidental duties properly in an ordinary 8-hour work day, will, if persisted in, do more harm than good to the National Guard service. It will kill the *esprit* which enables the company commanders to recruit.

And, just as frankly, I believe that so-called "joint camps of instruction," to which arbitrary, ungentlemanly, and for the most part merely ordinarily efficient junior officers are sent by the Federal authorities, constitute merely a useless expense on the Federal Government for such officers' traveling expenses. No regular army officer, of whatever rank or ability, who is either unacquainted or out of sympathy with the problems with which the National Guard has to deal can be of valuable service at such camps of instruction. No better example of the truth of this could be afforded than the details to this encampment. With the exception of two or three officers who were splendidly interested and efficient, those at this camp, from the senior officer detailed, fall within one or both of the named classes. How the War Department expects to send officers with letters of warning and prejudice, to an encampment of the National Guard of a sovereign State, and expect to get results of value either to itself or the State, is beyond comprehension. . . .

Instead of benefit, I believe distinct harm comes of the sending of such officers. For it is shock and disappointment to National Guard officers to find that what we have had so thoroughly instilled into us by our superiors, and particularly by the Brigade Commander of the Iowa Guard, viz., that the first qualification of being an officer in the regular service was to be a gentleman, was error or had marked exceptions; likewise to discover that the claimed indispensable attribute of thorough courtesy or at least full respect to all superiors, was sorely lacking, might well have done much to break down discipline in the Guard, but for the continual example that was before us of the forbearance and restraint exhibited by our own Commander under continually, peculiarly exasperating and trying conditions which the situation brought about. And an inexplicable thing about it all was that such situation continued after a seemingly plain and clear understanding and *modus operandi* had been agreed upon.

The net result of the situation was to firmly convince me that the value of so-called "joint camps of instruction" must depend entirely upon the harmony in which the officers of the Regular and Guard service work. The distinction between such result at this camp and those at which Colonel Boughton and the officers with him were present with the Iowa Guard, enforces me in this conclusion. Colonel Boughton seemed not only fully to understand the problem of the National Guard, but to be in full sympathy with the efforts being put forth and work being done by every officer and man of the Guard. In this camp, on the other hand, a splendid, well thought out and progressive plan of work devised by our able Brigade Commander, was so disarranged by designed interference as to make the work done fragmentary and of greatly reduced value.

I therefore recommend that no Iowa troops be hereafter sent to such so-called "joint camps of instruction" until after full knowledge of the kind and character of the so-called instructors that are to be present on duty with our troops.[47]

It may be that this letter is the expression of a personal opinion only and not representative of the attitude of the Guard as a whole; but it is evidence that not all guardsmen sanctioned unqualifiedly the system of joint camps; and it shows that there were some drawbacks as well as some advantages.

Twice during 1911 the Guard participated in tours of riot duty. Early in April companies B, C, D, and I, of the Fifty-fourth Infantry, together with the 2nd Detachment Hospital Corps, were ordered to take command of the situation in Muscatine where a buttonmakers strike was in progress. After maintaining order for some four days, they were relieved from duty. Again, late in the same month companies C, D, and I were again called out, this time, it is reported, upon request of the strikers. A few days later Company M replaced Company C. The 2nd Detachment Hospital Corps was on duty during all the time

[47] *Report of the Adjutant General of Iowa*, 1912, pp. 119, 120.

that troops were on duty. Early in May the situation settled and troops were again relieved. "During all of such service the troops performed their duty in an orderly, soldierly manner, absolutely enforcing law and requiring order at all times and should be highly commended for such service as the conditions were in a state of anarchy. No favor was shown to anyone. The rich, the poor, the employer and the employe were made to obey the same rule. All sales or deliveries of liquor, fire arms, dynamite and explosives of every nature were prohibited and to all appearances we had the hearty support of all good, law-abiding citizens."[48]

The Thirty-fifth General Assembly in 1913 repealed that section of the militia law passed in 1909 which permitted sheriffs to call upon a militia company for aid in case of riot. Allowance for armory rent was increased to one thousand dollars per company and the total Guard appropriation was increased to one hundred and fifty thousand dollars.[49]

Adjutant General Logan reported in December, 1914, that the changes in the organization of the Guard for the biennium consisted in the organization at Clinton of one battery of field artillery, fully uniformed for field service and fully equipped with the latest model guns and equipment by the United States; and the reorganization of the former regiments of infantry into one brigade consisting of three regiments — the Fifty-third, Fifty-fourth, and Fifty-fifth — and one separate regiment — the Fifty-sixth. Staff corps and departments were reorganized to meet the requirements of the War Department, and the policy of retirement at the age of sixty-four was adopted.

Encampment was by regiment in 1913 at various Iowa cities. In 1914 the First Brigade, the Fifty-sixth Infantry,

[48] *Report of the Adjutant General of Iowa*, 1912, pp. 7–9.

[49] *Laws of Iowa*, 1913, Chs. 181, 182.

and the Field Hospital maneuvered at Camp Dodge with Regular Army troops. The usual small arms firing practice was encouraged and the usual success in shooting matches resulted. Company M, Fifty-fifth Infantry, and Company F, Fifty-sixth Infantry, did duty as guards at the State Fair in 1914.[50]

The "Dick Bill" of 1903 marked the beginning of an earnest Federal interest in the militia of the States. One of the most important schemes for the betterment of the National Guard was inaugurated by the Division of Militia Affairs a few years after the passage of the act. This was known as the Tactical Divisional Plan. Under it, it was designed to divide the country into geographical divisional districts, each district to have its Guard formed into a tactical division. In the perfection of this plan, it was discovered that there was an excessive organization of infantry to the neglect of auxiliary troops. A general reorganization was necessary, whereby this defect might be remedied. Circular No. 8, issued by the Division of Militia Affairs in August, 1913, (which, it has been claimed, "stands next in importance to the organic Organized Militia act") supplemented by Circular No. 19, Division of Militia Affairs, December 29, 1914, directed this reorganization.[51]

The Thirty-sixth General Assembly, which met in 1915, enacted some militia legislation to comply with the new organization thus outlined. By chapter 94, the National Guard of Iowa was reduced from four regiments of infantry to three. The annual appropriation was increased from $150,000 to $165,000. Allowance for armory rental was increased, as was also the amount allowed each company as expenses for drill.

The grade of the Assistant Adjutant General was changed

[50] *Report of the Adjutant General of Iowa*, 1914, pp. 3–7.

[51] *War Department Annual Reports*, 1917, Vol. I, p. 850.

from Colonel to Major. The terms of the Adjutant General and Assistant Adjutant General were fixed at four years, the first four year period to begin on July 4, 1915. The commissions of divisional, brigade, and regimental staff officers were made effective for eight year terms. Additional provisions were enacted as to absence without leave and trial therefor; and the sheriff or any peace officer was thereby required to arrest and turn over any such enlisted men absent without leave, whenever so requested by a company commander.[52]

In reorganizing the Iowa Guard the exact recommendations and requirements of the War Department were followed out. It was necessary, of course, to break up one of the infantry regiments. Colonel Ralph P. Howell gave facility to the situation by agreeing to surrender his command and allow the individual companies of his regiment to be transferred to auxiliary troops or to other regiments.

Accordingly General Orders No. 12 was issued on July 3, 1915, outlining a complete new organization for the Guard in Iowa. It was thought best at this time to change the designation of infantry regiments to First, Second, and Third. The general organization now comprised one brigade of infantry consisting of three complete regiments, one squadron of cavalry (four troops), one battalion of field artillery (three batteries), one engineer company, one field hospital company, and one ambulance company, as well as three provisional machine gun companies. Staff corps and departments comprised an Adjutant General's department, a Judge Advocate General's department, a Quartermaster Corps, a Medical department, and an Ordnance department.[53]

All Iowa troops were ordered on a ten day tour of camp

[52] *Laws of Iowa*, 1915, Chs. 94, 96, 137, 139, 171.

[53] *Report of the Adjutant General of Iowa*, 1916, pp. 493, 499.

duty in the summer of 1915 immediately after reorganization. Regimental infantry camps were held at Iowa City, Clear Lake, and Camp Dodge. There was a cavalry camp at Iowa City; and field artillery batteries, the field hospital company, and the ambulance company went to camps of instruction with regular troops at Camps Robinson and McCoy in Wisconsin.

On June 18, 1916, the Secretary of War sent a telegram to Governor Harding, ordering him to call into the service of the United States all of the Iowa Guard. Organization commanders were instructed to assemble their commands in the armories and commence drill and instruction until further orders. As soon as the necessary arrangements could be made, the troops were moved into Camp Dodge and placed in command of Brigadier General Hubert A. Allen. All troops were in camp before the arrival of the Senior Mustering Officer.

Some difficulty was experienced by the fact that the mustering officer required the men to take an additional oath before they would be accepted for Federal service. This oath did not specify any length of service and many of the men were reluctant to take it. The decision of the War Department that the oath was not necessary came too late to be of any benefit.

All in all about a month was spent at Camp Dodge before the trip to the border. All Iowa troops were assigned to duty at Brownsville, Texas, with the exception of the squadron of cavalry which was assigned to duty at Donna, Texas.[54]

The later history of the National Guard of Iowa is the story of their muster out of Federal service after the border hitch, their almost immediate muster back into the Federal service upon the entrance of the United States into the

[54] *Report of the Adjutant General of Iowa*, 1916, pp. 7, 9, 10, 44, 45.

World War, and the present organization of a new National Guard. The story of the Iowa guardsmen on the border should be chronicled, and the story of Iowa troops in the World War should be told. They are, in a sense, of more importance than a tracing of legislation and organization. But they hold no place in an historical survey, and so, as in the case of the Civil War and the Spanish-American War, we leave the glorious record of Iowa soldiers while in Federal service to other chroniclers.

Cyril B. Upham

The State Historical Society of Iowa
Iowa City Iowa

SOME PUBLICATIONS

The Modern Commonwealth, 1893–1918. By Ernest Ludlow Bogart and John Mabry Mathews. Springfield: Illinois Centennial Commission, 1920. Pp. 544. Plates. This volume constitutes the fifth in the series entitled *The Centennial History of Illinois* and brings the history of the State down to the present. The material is grouped into twenty-one chapters, as follows: population; the growth of education, art, and letters; agricultural changes; products of the farm; manufactures; trade and transportation; water transportation and roads; labor organization and legislation; constitutional amendment and revision; the governor; State officers, boards, and commissions; administrative services; civil service and civil service reform; the State legislature; the State judiciary; suffrage, parties, and elections; the enforcement of State law; the panic of 1893 and the banks; State finances; State taxation; and Illinois and the Great War. Of these, the chapter dealing with education was written by Henry B. Fuller, while Arthur C. Cole supplied the chapter on the war. An appendix containing statistics relating to Illinois, a bibliography and an index add to the usefulness of the volume.

Since the period covered is so recent this account is naturally a picture of the State as it is to-day as well as a history; and this aspect is especially important in the chapters dealing with the economic and political affairs which present a great deal of information as to present day conditions. Arrangement, of course, is largely a matter of opinion but one would expect to find the chapters on finance and taxation following the other discussions of economic questions rather than separated from them by the various chapters on political activities. In comparison with the attention given to the economic and political development of Illinois it seems, also, that the treatment of education — particularly the public schools, public libraries, and newspapers — is inadequate.

New Jersey in the Revolution, by Charles E. Shriner, is one of the articles published in the April issue of *Americana.*

The Library of Congress has recently issued a *List of References on the Treaty-Making Power,* compiled by Herman H. B. Meyer.

Negro Migration During the War, a monographic study by Emmett J. Scott, has recently appeared as number sixteen of the *Preliminary Economic Studies of the War,* published by the Carnegie Endowment for International Peace.

The War Department has recently issued a *Catalogue of Official A. E. F. Photographs Taken by the Signal Corps, U. S. A.,* prepared by the Historical Branch, War Plans Division, General Staff.

Notes on Cochiti, New Mexico, a monograph by Noël Dumarest, appears in the *Memoirs of the American Anthropological Association,* for July-September, 1919. The October-December number for the same year contains a monograph by Frank G. Speck on *Penobscot Shamanism.*

Among the papers to be found in *The American Economic Review* for June are the following: *Fiscal Aspects of State Income Taxes,* by Alzada Comstock; and *War Profits and Excess Profits Taxes,* by Carl C. Plehn.

San Carlos Apache Texts, a monograph by Pliny Earle Goddard, has been published as a recent number of the *Anthropological Papers of The American Museum of Natural History.*

Three of the papers published in *History* for April are the following: *The League of Nations and the Problem of Sovereignty,* by Lord Robert Cecil; *The War and the Industrial Revolution,* by P. Mantoux; and *Historical Criticism,* by A. F. Pollard.

When the Father of Waters Goes on a Rampage, by Hugh M. Smith, is one of the papers published in the April issue of *The National Geographic Magazine.*

The Medford Historical Register for March is termed the Turnpike Number. Among the papers is a brief history of the Medford Turnpike Corporation, by John H. Hooper.

The Spanish Story of the Armada, by W. P. Ker, and *Clerical Life in Scotland in the Sixteenth Century,* by James Balfour Paul, are two of the articles published in *The Scottish Historical Review* for April.

The United States Department of Agriculture: A Study in Administration, by William L. Wanlass, is a monograph issued recently in the *Johns Hopkins University Studies in Historical and Political Science.*

The New German Constitution, by Ernst Freund, *Forecasting the Crops of the Dakotas,* by Henry L. Moore, *Durkheim's Political Theory,* by Harry E. Barnes, *The Burdens of Preparedness and War,* by S. Leon Levy, and a first installment of *A System of Federal Grants-in-Aid,* by Paul H. Douglas, are the papers which are published in the June issue of the *Political Science Quarterly.*

The Growth of Canadian National Feeling, by W. S. Wallace, *The Struggle over the Laws of Canada, 1763–1783,* by William Smith, *The First Canadian War-time Prohibition Measure,* by W. R. Riddell, and *A Plea for a Canadian National Library,* by Lawrence J. Burpee, are contributions to the June number of *The Canadian Historical Review.*

Our Exexplored Counties is the title of a paper, by H. S. Gilbertson, begun in the April number of *The American City* and continued in the issue for May. In the April number there is also a list of the city manager municipalities of the various States.

The American Cotton Association, by Robert P. Brooks, *Preserving North Carolina's World War Records as a State Enterprise,* by Robert Burton House, *Price Inflation: Its Beneficiaries and Its Victims,* by William H. Glasson, and *Problems of Democracy,* by Clark S. Northup, are some of the contributions to the April issue of *The South Atlantic Quarterly.*

The Development of the Negro Public School System in Missouri, by Henry S. Williams, *Religious Education in Negro Colleges and Universities,* by David H. Sims, and *The Aftermath of Nat Turner's Insurrection,* by John W. Cromwell, are the three papers to be found in *The Journal of Negro History* for April.

The Future Russian Constitution as Seen by Russian Liberals, by S. A. Korff, *Some Phases of the Federal Personnel Problem,* by Lewis Mayers, and *Political Geography and State Government,* by W. F. Dodd, are some of the contributions to *The American Political Science Review* for May. Charles Kettleborough writes the *Legislative Notes and Reviews,* Robert E. Cushman reports on *Judicial Decisions on Public Law,* and Frederic A. Ogg contributes *Foreign Governments and Politics.*

Two of the contributions found in the *American Anthropologist* for October-December, 1919, are *A Buffalo Sweatlodge,* by George Bird Grinnell, and *The Future of the American Negro,* by George S. Painter. In the issue for January–March, 1920, Clark Wissler writes of *Opportunities for Coördination in Anthropological and Psychological Research,* A. A. Goldenweiser contributes an article on *A New Approach to History,* and A. L. Kroeber presents a discussion of *Totem and Taboo: An Ethnologic Psychoanalysis.*

Government Organization in War Time and After, by William Franklin Willoughby, is one of the volumes in a series entitled *Problems of War and of Reconstruction* of which Francis G. Wickware is the editor. Probably few Americans realize the complexity and the multiplicity of the agencies which made up "the government" during the war. Mr. Willoughby has presented a brief but comprehensive account of the organization of the government for the war and the solution of the problems resulting from the war. The control of publicity, finance, industry, trade, transportation, food, and fuel are described; chapters are included on the control of aliens, aircraft construction, and war risk insurance.

Among the problems resulting from the war is that of returning the millions of soldiers to a peace status. *The Place of Agriculture in Reconstruction,* by James B. Morman, Assistant Secretary of the Federal Farm Loan Board, is an attempt to present the possibilities of inducing these men to take up agriculture. The volume includes chapters on foreign schemes of land settlements for soldiers, a policy of land settlement for the United States, rural credits, and the relation of agriculture to national welfare. An index completes the volume.

John Bach McMaster has published the first volume of *The United States in the World War*, carrying the narrative down to the peace debate at the close of 1917. Since the war had been in progress in Europe for nearly three years before the United States became a belligerent, the story of its relation to the war during this early period must deal largely with the international affairs, propaganda, and relief work which received so much attention at this time. The declaration of a state of war, the organization of the American army, and the various attempts to bring about peace before the American armies became effective in battle are also described in this volume. Mr. McMaster has succeeded in presenting the salient facts relative to the beginning of the war and the early activities of the United States in a judicial and interesting style.

Procurement of Quartermaster Supplies During the World War, by A. L. Scott, *The Bias of History*, by B. C. B. Tighe, *Concerning Historical Portraits*, by M. L. Bonham, Jr., and *Supervised Study in History*, by E. W. Rugg, are four articles which appear in *The Historical Outlook* for April. The May issue contains the following articles: *Experiences of a Y. M. C. A. Secretary in Russia*, by T. P. Martin; *John Dickinson, Statesman and Patriot*, by D. C. Shilling; *The Personality of Robespierre, Source Study for College Classes*, by H. E. Bourne; *The Socialized Recitation*, by Bessie L. Pierce; *Recent Tendencies in the Social Studies*, by D. C. Knowlton; and *Methods of Checking Collateral Reading*, by A. S. Barr. The five papers in the June number are the following: *Intelligence Work at First Army Headquarters*, by John C. Parish; *A Potential Solution for the Irish Question*, by Edith E. Ware; *Course in General History from the Sociologists' Standpoint*, by R. L. Finney; *Psychological vs. Chronological Order in the Teaching of History*, by A. I. Gates; and *Character and Value of Standardized Tests in History*, by Earle W. Rugg.

WESTERN AMERICANA

The *Annual Report of the Board of Curators of the Louisiana State Museum* for 1919, was issued in January, 1920.

A *Journal of an Expedition on the Frontier*, by Benjamin Dens-

more, is to be found in the *Minnesota History Bulletin* for November, 1919.

The War History Department of the California Historical Survey Commission has issued an outline for a State or a county war history under the caption *California in the War.*

The Wisconsin Archeologist for January contains the following articles and papers: *Save Aztalan,* by Publius V. Lawson and S. A. Barrett; *The Preservation of Archeological and Historical Sites in Ohio,* by Charles E. Brown; *A Visit to Aztalan in 1838,* by V. C. Porter; *Prehistoric Cannibalism in America,* by A. N. Somers; and *Algonkian Artifacts,* by Charles E. Brown.

The Autobiography of a Winnebago Indian, by Paul Radin, *The Cahuilla Indians,* by Lucile Hooper, and *The Medical History of Ishi,* by Saxton T. Pope, are three monographs recently published as numbers in the *University of California Publications in American Archaeology and Ethnology.*

The Function of Educational Institutions in Development of Research, by John C. Merriam, and *The Farm Labor Problem,* by R. L. Adams, are two of the papers found in the April number of *The University of California Chronicle.*

Two monographs — *The Michigan Fur Trade,* by Ida Amanda Johnson, and *The Pere Marquette Railroad Company,* by Paul Wesley Ivey — have been published as volume five of the series issued by the University of Michigan.

The Office of the University President, by Frank L. McVey, *Some Difficulties and Joys of the College President,* by Melvin A. Brannon, *A Scientist in the Clouds,* by A. Hoyt Taylor, *Solving the Problems in the New Field,* by James Ernest Boyle, *The University Man in "Y" War Work,* by Wallace Nelson Stearns, and *Scientific Methods in Economics,* by George Milton Janes, are papers included in *The Quarterly Journal of the University of North Dakota* for April.

The Constitutional History of the Louisiana Purchase, 1803–1812, by Everett Somerville Brown, has recently been issued as volume ten of the *University of California Publications in History.*

Although the author has limited his study chiefly to that part of the Louisiana Territory which later became the State of Louisiana, this monograph is of much interest to students of Mississippi Valley and general American history because of the information it contains concerning the debate on the first acquisition of territory by the newly established United States. The volume is also a valuable contribution to the constitutional history of the United States since it presents rather fully the debates on the various questions of constitutional and international law which developed out of the purchase of Louisiana.

IOWANA

The Honor Roll of Chickasaw County, Iowa, has been issued by E. J. Feuling of the New Hampton Tribune.

The *Iowa Odd Fellow* for May fifteenth contains a *Synopsis of the I. O. O. F.,* by D. I. Kleckner, including a short account of the history of the order in Iowa.

Linn County Soldiers and Sailors Serving Our Flag is the title of a memorial volume issued by the Soldiers' and Sailors' Club of Marion, Iowa.

Frank B. Howe, T. H. Benton, M. Y. Longacre, and A. H. Meyer, are compilers of a *Soil Survey of Linn County, Iowa.*

The Iowa Association of Fire Insurance Agents has published in pamphlet form the addresses delivered before the Association by Emory H. English and Henry E. Sampson.

After an interval of over four years the *Annals of Iowa* has resumed publication with the issue of April, 1920. The two articles which appear in this issue are *Major William Williams' Journal of a Trip to Iowa in 1849,* and *Rev. Daniel Lane and His Keosauqua Academy,* by J. W. Cheney.

Two of the articles in *The Iowa Alumnus* for April are the following: *Music and the University,* by Philip Greeley Clapp, and *An American Impression of Italy,* by John Scholte Nollen. The May issue contains an article by Jasper Ross Boyd on *My Sojourn in the Far East,* a paper by Muriel E. Bailey entitled *Among Alaska's*

Islands, and one by Charles J. Traxler under the caption *The Peony Arrives.* The issue for June is the Commencement Number and includes the following papers: *Iowa's Sixtieth Commencement,* by Grace Partridge Smith; *Of Things Classical,* by B. L. Ullman; and *The Extra-Curricular Curriculum,* by W. F. Russell.

Two Wars: One Issue, by Jesse Macy, *The New Summons to the American College,* by Henry Bruere, and a continuation of *Industrial Relations,* by John R. Commons, are three papers which appear in the March number of *The Grinnell Review.* The April issue contains an article by Frank O. Lowden on *Business Methods in Government,* and Cecil F. Lavell writes of *Recent Tendencies in Social Criticism. A Remedy for Inflation,* by George E. Roberts, *The Common Man: An Unrealized Social Asset,* by Charles E. Payne, and *Democracy in Japan,* by Alois Richard Nykl, are included in the June number.

The three articles found in the *Iowa Law Bulletin* for March are the following: *The Uniform Conditional Sales Act in Iowa,* by H. Claude Horack; *Self-Criminating and Self-Disgracing Testimony Code Revision Bill,* by D. O. McGovney, and *A Conciliation Law for Iowa,* by Herbert F. Goodrich. *May a Promissory Note be Payable in Foreign Money?,* by Rollin M. Perkins, and *Enforcement of a Foreign Equitable Decree,* by Herbert F. Goodrich, are the two articles included in the number for May.

The January-March number of *Iowa Conservation* contains a report of the annual convention of the Iowa Conservation Association held at Ames, March 19, 20, 1920. In addition there are the following papers: *Iowa's First State Park: The Devil's Backbone,* by George Bennett, and *National Park for Mississippi Valley,* by Florence L. Clark.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Abbott, Keene,

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Wine o' the Winds. Garden City, N. Y.: Doubleday, Page & Co. 1920.

Adams, Henry Carter,

International Supervision Over Foreign Investments (American Economic Review, March, 1920).

Aldrich, Bess Streeter,

Tillie Cuts Loose (The American Magazine, April, 1920).

Athearn, Walter Scott,

American Religious Education Survey (Missionary Review, March, 1920).

Bailey, John Tyley,

Our Thirtieth Reunion (The Iowa Alumnus, June, 1920).

Bailey, Muriel E.,

Among Alaska's Islands (The Iowa Alumnus, May, 1920).

Batcher, Ralph R.,

Loop Antenna for Submarines (The Iowa Engineer, March, 1920).

Bender, Wilbur H.,

Vocational Education as a Factor in Community Building (Proceedings of the Twentieth Iowa State Conference of Social Work, 1919).

Benjamin, Gilbert G.,

Labor and the War: Labor Conditions in Great Britain (The Organizer, April, 1920).

Labor and the War: Labor Conditions in France (The Organizer, May, 1920).

American Labor and the War (The Organizer, June, 1920).

Bennett, George,

Iowa's First State Park: The Devil's Backbone (Iowa Conservation, January-March, 1920).

Benton, T. H. (Joint author),

Soil Survey of Linn County, Iowa. Washington: U. S. Department of Agriculture. 1920.

Betts, George Herbert,

La Mente y su Educacion (Translated from English into Span-

ish by A. M. Fernandez de Ybarra). New York: D. Appleton & Co. 1920.

Bixler, Ingram,

How the Country Bank Can Serve (The Northwestern Banker, May, 1920).

Bosch, C. E. (Joint author),

The Storage of Iowa Coal (The Iowa Engineer, April, 1920).

Boyd, Jasper Ross,

My Sojourn in the Far East (The Iowa Alumnus, May, 1920).

Briley, Beulah B.,

Rural Credit (The Organizer, June, 1920).

Brown, Charles Reynolds,

Religion of a Layman (Biblical World, November, 1919-March, 1920).

Brown, Dale,

Something Wrong With Philip (People's Magazine, April, 1920).

Brown, Howard Clark,

Iowans Who Study Birds and Snakes (The Iowa Magazine, April, 1920).

Burnett, Judson O.,

The Railroad Situation (The Organizer, May, 1920).

Butler, Ellis Parker,

How It Feels to Be Fifty. Boston: Houghton Mifflin Co. 1920.

How's Your Climate? Have You Got It With You? (The American Magazine, April, 1920).

New Poet of Nature (Bookman, April, 1920).

Campbell, Macy,

The First National Conference on the Consolidated School (Midland Schools, January, 1920).

Canfield, F. A.,

The Labor Union as a Stabilizing Force in Industrial Readjustment (Proceedings of the Twentieth Iowa State Conference of Social Work, 1919).

Carver, Thomas Nixon,

Some Probable Results of a Balanced Industrial System (American Economic Review, March, 1920).

Chamberlin, Harold,

Crippled Cheer (The Iowa Magazine, June, 1920).

Clapp, Philip Greeley,

Music and the University (The Iowa Alumnus, April, 1920).

Clark, Florence L.,

Iowa Woman Famed as Bird Scientist (The Iowa Magazine, June, 1920).

National Park for Mississippi Valley (Iowa Conservation, January-March, 1920).

Colegrove, C. P.,

The Preparation of Teachers for Consolidated Rural Schools (Midland Schools, April, 1920).

Colegrove, Kenneth,

New England Town Mandates (The Publications of the Colonial Society of Massachusetts, Vol. XXI, December, 1919).

Craine, Clara L.,

Children and the Visiting Nurse (Proceedings of the Twentieth Iowa State Conference of Social Work, 1919).

Dawson, A. F.,

Seeing Our Way Through (The Northwestern Banker, June, 1920).

Devine, Edward Thomas,

North Dakota — the Laboratory of the Non-partisan League (The Survey, March 6, 1920).

To Presidential Candidates (The Survey, April 17, 1920).

To the Presidents of the Constituent Companies of the United States Steel Corporation (The Survey, March 13, 1920).

Deyoe, Albert M.,

The Solution of the Rural and the Small Town School Problem (Midland Schools, January, 1920).

Dick, George S.,

The Consolidated School (Midland Schools, January, 1920).

Earle, Roscoe K.,
The Importance of City Planning (American Municipalities, May, 1920).

Ely, Hanson E.,
The Attack on Cantigny (National Service, April, 1920).

Evans, W. R.,
Combat Radicalism With Better Housing (The Iowa Magazine, June, 1920).

Ferber, Edna,
Half Portions. Garden City, N. Y.: Doubleday, Page & Co. 1920.

Ficke, Arthur Davison,
Embarkation (The Grinnell Review, March, 1920).
History (The Grinnell Review, March, 1920).

Frederick, John Towner,
Weaving (Poet Lore, December, 1919).

Galer, Laura B.,
The Paroled Girl (Proceedings of the Twentieth Iowa State Conference of Social Work, 1919).

Garland, Hamlin,
Theodore Roosevelt (Mentor, February 2, 1920).
The Spirit World on Trial (McClure's Magazine, April, 1920).

Gillin, John L.,
The Peace Time Program of the American Red Cross (Proceedings of the Twentieth Iowa State Conference of Social Work, 1919).

Glaspell, Susan,
Nervous Pig (Harper's Magazine, February, 1920).

Goodrich, Herbert F.,
Enforcement of a Foreign Equitable Decree (Iowa Law Bulletin, May, 1920).

Gordon, F. G. R.,
Socialism and the Working Class (The Iowa Magazine, April, 1920).

Wealth Distribution in the United States (The Iowa Magazine, June, 1920).

Griffith, Helen Sherman,
Poor Little Sara (The Delineator, April, 1920).

Hart, Hornell,
Social Work and Socialized Research (Proceedings of the Twentieth Iowa State Conference of Social Work, 1919).

Hart, William R.,
Care of Parking and Trees (American Municipalities, May, 1920).

Henderson, Rose,
The Open Air Theater (The Designer, May, 1920).

Hill, Gershom H.,
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The Origin of Gumbotil (The Journal of Geology, February-March, 1920).

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Report of Committee on Health (Proceedings of the Twentieth Iowa State Conference of Social Work, 1919).

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Motor Transportation on Iowa Highways (The Organizer, May, 1920).

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The Submarine (The Iowa Engineer, March, 1920).

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Recent Tendencies in Social Criticisms (The Grinnell Review, April, 1920).

Lockman, Tom D.,
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Lowden, Frank Orren,
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The High Cost of Business Inefficiency in American Government (Current Opinion, May, 1920).

Luscombe, Donald A.,

Advertising to Retard Business (The Organizer, April, 1920).

McClenahan, P. E.,

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We Must Put on the Brakes at Once (The Northwestern Banker, June, 1920).

McPeak, Ival,

Welfare Administration in Minneapolis (The American City, May, 1920).

Macy, Jesse,

Two Wars: One Issue (The Grinnell Review, March, 1920).

Mahone, Leslie W.,

A History of Concrete Pavement (The Iowa Engineer, March, 1920).

Maruth, John O.,

Some Phases of Modern Advertising (The Organizer, April, 1920).

Miller, Leland W.,

American Railroad Securities (The Organizer, June, 1920).

Mott, John Raleigh,

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Nelson, W. B. (Joint author),

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Newton, Joseph Fort,

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Nollen, John Scholte,
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Nykl, Alois Richard,
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Palmer, Ada M.,
The Problem of Organization for Social Welfare in Iowa (Proceedings of the Twentieth Iowa State Conference of Social Work, 1919).

Pammel, L. H.,
Retreat on the Iowa River at Steamboat Rock, Eldora and Iowa Falls (The Iowa Magazine, May, 1920).
State Parks in Iowa (Scientific Monthly, May, 1920).

Parish, John C.,
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Payne, Charles E.,
The Common Man: An Unrealized Social Asset (The Grinnell Review, June, 1920).

Pearce, J. Newton (Joint author),
The Origin of Gumbotil (The Journal of Geology, February-March, 1920).

Perkins, J. R.,
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Perry, Anne Louise,
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The Socialized Recitation (The Historical Outlook, May, 1920).

Pierce, James M.,
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Shall We Teach Patriotism or Treason? (The Iowa Magazine, May, 1920).

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Up With the Schools — Down With Bolshevism (The Iowa Magazine, May, 1920).

Reid, Thomas B.,

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Rich, Joseph W.,

Gen. Lew. Wallace at Shiloh: How He Was Convinced of an Error after Forty Years (The Iowa Journal of History and Politics, April, 1920).

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A Remedy for Inflation (The Grinnell Review, June, 1920).

Supremacy of the Economic Law. New York: The National City Bank. 1920.

Robeson, George Farrington,

Special Municipal Charters in Iowa, 1836–1858 (The Iowa Journal of History and Politics, April, 1920).

Rohrbaugh, Lewis G.,

A Day in the Life of a University Pastor (Northwestern Christian Advocate, May 5, 1920).

Ross, Edward Alsworth,

Ossification (American Journal of Sociology, March, 1920).

Russell, W. F.,

The Extra-Curricular Curriculum (The Iowa Alumnus, June, 1920).

Schmidt, Louis Bernard,

Origin of Land Grant Act of 1862 (The Iowa Homestead, March 11, 1920).

Smertenko, Clara M.,

The Fetish of the Spontaneous (The Grinnell Review, April, 1920).

Smith, Grace Partridge,
Iowa's Sixtieth Commencement (The Iowa Alumnus, June, 1920).

Smith, H. P.,
How Far Can Teachers' Organizations Go and Be Professional? (Midland Schools, April, 1920).

Spaulding, Forrest B.,
For Sailors They Be Honest Men (The Library Journal, April 1, 1920).

Thomsen, Peter Henrik,
Self-Discovery (The Grinnell Review, April, 1920).

Thone, Frank,
To a Gardener (The Grinnell Review, April, 1920).

Traxler, Charles J.,
The Peony Arrives (The Iowa Alumnus, May, 1920).

Ullman, B. L.,
Of Things Classical (The Iowa Alumnus, June, 1920).

Urick, A. L.,
Answering the Labor Shortage Lie (The Northwestern Banker, June, 1920).
Phases of Industrial Unrest (The Organizer, May, 1920).

Van Pelt, Hugh G.,
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Wallace, Henry A.,
Agricultural Prices. Des Moines: Wallace's Farmer. 1920.

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The Proprietor (The Grinnell Review, April, 1920).

Ward, Charles Frederick,
French and Spanish for Commerce (The Organizer, April, 1920).

Wassam, Clarence W.,
Corn is King (The Organizer, May, 1920).

Weller, C. H.,
The Making of an American (The Iowa Magazine, May, 1920).

Williams, George W.,
Banking in Bolshevik Russia (The Northwestern Banker, April, 1920).

Wilson, Arlen J.,
The Liberty Loan Controversy (The Organizer, May, 1920).

Witte, Max E.,
Concerning the Degenerate (Proceedings of the Twentieth Iowa State Conference of Social Work, 1919).

Woodruff, J. A.,
History and Development of the Consolidated School in Iowa (Midland Schools, January, 1920).

SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

Pioneer steamboating on the Des Moines River, by William C. Morris, in the *Keosauqua Republican,* April 1, 1920.

Frontier sketches, in the *Burlington Saturday Evening Post,* April 3 to June 26, 1920.

Steamboating on the Des Moines River from 1837 to 1862, by Tacitus Hussey, in the *Burlington Saturday Evening Post,* April 3 to June 26, 1920.

Sketch of the career of W. W. Dodge, in the *Burlington Hawk-Eye,* April 4, 1920.

Early days in Burlington, by W. F. Gilbert, in the *Burlington Hawk-Eye,* April 4, 1920.

The Cedar River Valley, by Freeman R. Conaway, in the *Cedar Rapids Republican,* April 4, 1920.

A colossal swindle — Boone and the Keokuk, Des Moines, and Minnesota Railroad, by C. L. Lucas, in the *Madrid Register-News,* April 15, 1920.

Iowa of early days and to-day, in the *Keokuk Gate City,* April 17, 1920.

A tourist's manual for the upper Mississippi River, by Fred A. Bill, in the *Burlington Saturday Evening Post,* April 17 to June 26, 1920.

How Nora Springs got its name, in the *Greene Recorder,* April 28, 1920.

"Deer Lick", by Hiram Heaton, in the *Fairfield Ledger,* April 28, 1920.

Pioneer days, by L. O. McKinley, in the *Chariton Leader,* April 29, 1920.

Sketch of the life of Jonathan Chapin Hall, in the *Keokuk Gate City,* May 1, 1920, and the *Des Moines Register,* May 3, 1920.

The massacre at Jackson, Minnesota, by Mrs. Halstein Olson, in the *Estherville Democrat,* May 5, 1920.

The forty-third anniversary of the town of Reinbeck, in the *Reinbeck Courier,* May 14, 1920.

Iowa's part at Vicksburg, by George W. Brown, in the *Iowa City Citizen,* May 18, 1920.

Sketch of the life of Captain Dan Matson, in the *Burlington Hawk-Eye,* May 19, 1920.

Sketch of the life of George Guye, in the *Winterset Madisonian,* May 19, 1920.

Sketch of the life of Mary C. Collins, missionary to the Indians, in the *Ottumwa Courier,* May 28, 1920.

Sketch of the life of William Henry Milliman, in the *Exira Journal,* June 10, 1920.

Reminiscences of early Emmetsburg, by J. C. Bennett, in the *Emmetsburg Reporter,* June 10, 1920.

Early court scenes in Boone County, by C. L. Lucas, in the *Madrid News,* June 17, 1920.

Recollections of Mason City, by James J. Montague, in the *Marshalltown Times-Republican,* June 17, 1920.

Sketch of the life of John L. Bleakly, in the *Marshalltown Times-Republican,* June 18, 1920.

HISTORICAL SOCIETIES

PUBLICATIONS

Francis Lovelace, Governor of New York, 1668–1673, by J. Hall Pleasants, is one of the papers included in the July number of *The New York Genealogical and Biographical Record.*

Rhode Island Samplers, by George L. Miner, *Rhode Island in 1750,* written by James Birket at that time, and *The Last Cruise of the Privateer Yankee,* by Wilfred H. Munro, are three of the papers published in the *Rhode Island Historical Society Collections* for April, 1920.

An account of the welcome to Cardinal Mercier on his recent visit to America is included in the *Records of the American Catholic Historical Society of Philadelphia.*

The New-York Historical Society Quarterly Bulletin for April contains an article by Caroline Ransom Williams on *The Place of the New York Historical Society in the Growth of American Interest in Egyptology.*

The Western Reserve and the Fugitive Slave Law, a monograph by William C. Cochran, has been issued as Publication No. 101 of the *Collections of The Western Reserve Historical Society.*

A fifth installment of *Beverly in 1700,* by Sidney Perley, and a continuation of *Some Account of Steam Navigation in New England,* by Francis B. C. Bradlee, are two of the papers included in the *Historical Collections of the Essex Institute* for April.

The American Catholic Historical Association, by Peter Guilday, is one of the contributions to *The Catholic Historical Review* for April.

Volume fourteen of the *Historical Records and Studies,* published by the United States Catholic Historical Society, contains a number of articles of general interest. Among these are the following: *Know Nothingism in Rochester, New York,* by Frederick J.

Zwierlein; *The James Dudley Morgan Collection of L'Enfant Papers,* by Margaret B. Downing; *The Mission to Liberia,* by John Kelly; and *The Jesuits in South America,* by John F. O'Hara.

The *Ohio Archaeological and Historical Quarterly* for April is a memorial number in honor of Emilius Oviatt Randall, the editor and secretary of the Society from 1895 until his death on December 18, 1919.

The First Laurel of Jefferson Davis, by Mrs. J. H. Kenzie, and *Journal of John Sevier,* by John H. De Witt, are two of the papers found in the *Tennessee Historical Magazine* for October, 1919. The minutes of an early temperance society at Nashville, Tennessee, an account of the battle of Fort Donelson by General John B. Floyd, and a Davidson political circular of 1843 are also included.

Reverdy Johnson Papers in the Library of Congress, by Bernard C. Steiner, a further installment of *Extracts from the Carroll Papers,* and a continuation of *Some Early Colonial Marylanders,* by McHenry Howard, are among the contributions to the March number of the *Maryland Historical Magazine.*

The April issue of *The American Historical Review* contains an account of the meeting of the American Historical Association, at Cleveland, Ohio, December 29, 31, 1919. In addition there are three articles: *Russia and the Dual Alliance,* by Laurence B. Packard; *The Purchase of Alaska,* by Frank A. Golder; and *The Miners' Laws of Colorado,* by Thomas M. Marshall.

The Washington Historical Quarterly for January contains a paper by F. W. Howay on *The Voyage of the Hope: 1790–1792,* a brief account of the *Pioneer and Historical Societies of Washington,* by Victor J. Farrar, and a continuation of the article by Edmond S. Meany on the *Origin of Washington Geographic Names.*

The January-June issue of *The Quarterly Publications of the Historical and Philosophical Society of Ohio* contains the first installment of the papers of John Stites Gano, relating to military affairs in Ohio between 1792 and 1817. Much information concerning the early Ohio militia is included.

Two of the articles in the March number of the *Journal of The Presbyterian Historical Society* are the following: *A Historic Nine-*

teenth Century Character, by Wm. P. White, and *The Introduction of the English Language into the Services of the Collegiate Dutch Church of New York City,* by Charles E. Corwin.

A continuation of *The Story of Wisconsin, 1634–1848,* by Louise Phelps Kellogg, *Another View of the Kensington Rune Stone,* by Rasmus B. Anderson, *Early Life in Southern Wisconsin,* by David F. Sayre, *Historic Spots in Wisconsin,* by W. A. Titus, and *The Career of Edward F. Lewis,* by Franklin F. Lewis, are the articles in the June number of *The Wisconsin Magazine of History.*

The three articles which appear in *The Quarterly of the Oregon Historical Society* for March are the following: *Pacific University,* by Henry L. Bates; *Spain and England's Quarrel Over the Oregon Country,* by F. G. Young; and *The Log of the Princesa by Estevan Martinez,* by Herbert Ingram Priestley.

Cortlandt Parker, 1818–1907, by Edward M. Colie, and *Lafayette in New Brunswick in 1824* are among the papers found in the April issue of the *Proceedings of the New Jersey Historical Society.* The July number contains an account of the seventy-fifth anniversary of the society and a paper by William H. Benedict on *New Jersey as It Appeared to Early Observers and Travelers.*

The Archives of Louisiana, by Henry Plauchè Dart, *Letters, in Journal Form, Written to Don Estevan Miro, Ex-Governor of Louisiana, by Don Joseph Xavier de Pontalba in 1792,* translated by Heloise Hulse Cruzat; *Lafitte, the Louisiana Pirate and Patriot,* by Gaspar Cusachs; and *The Flags of Louisiana,* by Milledge L. Bonham, Jr., are among the papers and articles published in *The Louisiana Historical Quarterly* for October, 1919.

A continuation of Paul E. Belting's *The Development of the Free Public High School in Illinois to 1860* appears in the *Journal of the Illinois State Historical Society* for January, 1919. *George Washington, Land Speculator,* by Ada Hope Hixon, *Indian Corn, Genesis of Reid's Yellow Dent,* by William Reid Curran, and *The Cannon-Starks Indian Massacre and Captivity,* by Milo Custer, are other contributions in this number.

The March number of *The Mississippi Valley Historical Review*

contains the following papers and articles: *Isaac Shelby and the Genet Mission,* by Archibald Henderson; *Steamboating on the Upper Mississippi After the Civil War: A Mississippi Magnate,* by Lester B. Shippee; *Diplomacy of the United States and Mexico Regarding the Isthmus of Tehuantepec, 1848–1860,* by J. Fred Rippey; and *Daniel Wolsey Voorhees,* by Henry D. Jordan.

A New England Temple of Honor, by James Phinney Baxter, is one of the papers in the April number of *The New England Historical and Genealogical Register.* A supplement contains the *Proceedings of the New England Historic Genealogical Society* for 1920.

The Moravians and Their Missions Among the Indians of the Ohio Valley, by Charles W. Dahlinger, and *How Caspar Reel, Revolutionary Soldier, Pushed His Way Across the Alleghany Mountains,* by Isabel Naysmith Newmyer, are two articles which appear in the *Western Pennsylvania Historical Magazine* for April.

Minnesota Geographic Names, by Warren Upham, is issued as volume seventeen of the *Collections of the Minnesota Historical Society.* The book contains a very large number of facts concerning places, names, and persons, and is a distinct contribution to the State history of Minnesota.

The *Michigan History Magazine* for January contains the following papers and articles: *The University of Michigan and the Training of Her Students for the War,* by Arthur Lyon Cross; *Fort Gratiot and Its Builder, Gen. Charles Gratiot,* by William L. Jenks; *Pioneer Reminiscences of Delta County,* by Mrs. Mary K. Brennan; *The True Story of Edison's Childhood and Boyhood,* by Caroline Farrand Ballentine; *Report of War Work of the Daughters of the American Revolution of Michigan from April, 1915, to April, 1919,* by Mrs. William Henry Wait; *The Treaty of Saginaw, 1819,* by Fred Dustin; *Rise and Progress of Hope College,* by Ame Vennema; and *Influence of the French Inhabitants of Detroit Upon Its Early Political Life,* by Leigh G. Cooper.

The Register of the Kentucky State Historical Society for May contains the following papers and articles: *"Above and Beyond the Call of Duty",* by Fred P. Caldwell; *The First Kentucky Cavalry,*

U. S. A., by A. C. Quisenberry; *"Spring Hill", Oldham County, Ky.*, by Alice Elizabeth Trabue; *"Old Town Park", Harrodsburg,* by Mary A. Stephenson; and continuations of *Famous Steamboats and their Captains on Western and Southern Waters,* by Ella Hutchison Ellwanger; and *Woodford County,* by W. E. Railey.

The Southwestern Historical Quarterly for April contains the following papers: *Mirabeau Buonaparte Lamar,* by A. K. Christian; *Sebastian Vizcaino: Exploration of California,* by Charles E. Chapman; a third installment of *James W. Fannin, Jr., in the Texas Revolution,* by Ruby Cumby Smith; and a continuation of the *Minutes of the Ayuntamiento of San Felipe de Austin, 1828–1832,* edited by Eugene C. Barker.

Mary Semple Scott is the editor of the *History of Woman Suffrage in Missouri,* compiled by a number of women, published in *The Missouri Historical Review* for April-June. In addition this issue contains the following articles and papers: *Early Exploration and Settlement of Missouri and Arkansas,* by Cardinal L. Goodwin; *Major Emory S. Foster,* by George S. Grover; *Recollections of Thomas H. Benton,* by John A. Oliphant; a third installment of *The Followers of Duden,* by William G. Bek; and a continuation of *Shelby's Expedition to Mexico, An Unwritten Leaf of the War,* by John N. Edwards. The series of articles on *Early Days on Grand River and the Mormon War,* by Rollin J. Britton, is concluded in this number.

The Quarterly Journal of the New York State Historical Association is a new historical magazine which made its first appearance in October, 1919. Articles and papers relating to New York history, book reviews, and a section on notes and queries make up the journal. The first issue contains an article by Carl Becker on *John Jay and Peter Van Schaack,* an account of *Captain Job Wright's Company of Willett's Levies at Ballston in 1782,* by Hugh McLellan, *Minutes of the Presbytery of New York, 1775–1776,* edited by Dixon R. Fox, and *Letters of Van Twiller,* edited by A. J. F. Van Laer. In the issue for January, 1920, are the following articles: *Daniel D. Tompkins,* by C. M. Dow; *John W. Taylor,* by D. S. Alexander; *New York and the National Banking System,* by A. Barton Hepburn; *Some Unprinted Minutes of the Albany Common Council,* by

E. W. Root; and *Minutes of the Presbytery of New York, 1776,* by Dixon R. Fox, which is continued in the April number. In addition this number contains the following articles: *Thomas Paine,* by James A. Roberts; *The Lost Island of Luisa,* by J. H. Innes; and *Letters of Nicasius de Sille, 1654,* by A. J. F. van Laer.

ACTIVITIES

The Hawkeye Natives of Burlington held a meeting at that place on April 7, 1920.

A meeting of the Jefferson County Historical Society was held at Fairfield on June 11, 1920. C. W. Gage, ninety-two years of age, told of the first school in Fairfield eighty-one years ago. The Society decided to have monthly meetings and programs in the future.

The Kentucky State Historical Society is to occupy the old capitol building at Frankfort as soon as the necessary repairs and changes have been completed. An attempt is being made to collect the furniture which was used in this building in early days and restore it to the old capitol.

The annual meeting of the Madison County Historical Society was held at Winterset, April 27, 1920. An address was given by John C. Parish of the State Historical Society on "The Story of Iowa" and papers were read by Judge Lewis on "A Winterset Heroine of Civil War Times", by Blair Wolf on the "Hoover Family in Cedar County", and by H. A. Mueller on J. B. Orman, formerly Governor of Colorado, who lived for a number of years in Madison County. The Society has received several letters and books from Mrs. Edwin H. Conger. Mr. Conger, a former resident of Madison County, was Minister from the United States to China at the time of the Boxer Uprising in 1900. The following officers were chosen for the ensuing year: president, H. A. Mueller; vice president, J. B. Anderson; secretary, E. R. Zeller; executive committee, W. R. Gentry, Blair Wolf, Henry Hawk, and Ed. Hyder.

The thirteenth annual meeting of the Mississippi Valley Historical Association was held at Greencastle, Indiana, on April 29, 30, and May 1, 1920. One of the papers read which is of particular interest to Iowans was *The Soldier Vote of Iowa in the Election of 1888,* by Donald L. McMurry of the State University of Iowa.

One session was devoted to papers commemorating the landing of the Pilgrims, another to addresses relating to Lincoln, and the last session to the subject of Americanization and citizenship. The subject of the president's address, by Milo M. Quaife, was *Jonathan Carver and the Carver Grant*. At the business session Chauncey S. Boucher of Ohio State University was chosen president and Mrs. Clara S. Paine was reëlected secretary-treasurer.

The National Association of State War History Organizations met on April 6 and 7, 1920, at Washington, D. C. Two conferences were held in the assembly room of the Department of the Interior in which brief statements were given by representatives from the various governmental departments at Washington and from other organizations with respect to records and information bearing upon the history of the World War. Business sessions were held in the rooms of the Department of Historical Research of the Carnegie Institution of Washington. Plans were made for the continuation of the work of Dr. Mereness in the investigation and survey of materials for the history of the World War in the archives at Washington. Officers for the ensuing year were chosen as follows: president, James Sullivan; vice-president, Arthur Kyle Davis; secretary-treasurer, Albert E. McKinley; executive committee, Arthur Kyle Davis, Albert E. McKinley, Benj. F. Shambaugh, Karl Singewald, and James Sullivan.

THE STATE HISTORICAL SOCIETY OF IOWA

Cyril B. Upham, a member of the State Historical Society of Iowa and a frequent contributor to its publications, has left Iowa City, where he has held the position of instructor in the State University of Iowa, to take a position in the National City Bank of New York City.

The following Curators of the State Historical Society of Iowa were recently appointed by Governor W. L. Harding: A. F. Allen of Sioux City, J. P. Cruikshank of Fort Madison, C. J. Fulton of Fairfield, John M. Grimm of Cedar Rapids, John M. Lindly of Winfield, John T. Moffit of Tipton, W. F. Moore of Guthrie Center, C. E. Pickett of Waterloo, and H. O. Weaver of Wapello.

The list of men who are carrying on research work during the

summer months for the State Historical Society includes the following: Professor H. H. Preston of Oberlin College, Professor Ivan L. Pollock of the Iowa State Teachers College, Professor Louis B. Schmidt of the Iowa State College of Agriculture and Mechanic Arts, Professor Jacob Van der Zee, Professor John E. Briggs, and Earl S. Fullbrook of the State University of Iowa, and Professor Heman Hale Smith of Graceland College.

A new venture has been undertaken by the State Historical Society of Iowa in the form of a monthly magazine devoted to the history of Iowa. It will supplement the *Iowa Journal of History and Politics* by presenting historical materials in brief and less technical form. The first number will be issued in July, 1920. The new magazine will bear the title *The Palimpsest,* a name suggested by the palimpsests of early times — manuscripts of parchment or other material from which one writing had been erased to make room for another. The erasure was not always complete or permanent, and dim and fragmentary characters remained half hidden by the later record. From these the original text might often be restored. So the history of Iowa may be likened to a palimpsest which holds the records of successive generations. Fragments rescued from the dimness of the past will be gathered and the story reconstructed and presented in short articles and narratives in the pages of the magazine. *The Palimpsest* will be edited by John C. Parish, Associate Editor of the Society.

The following persons have recently been elected to membership in the Society: Dr. J. E. Anderson, Paton, Iowa; Mr. Scott Bonar, Bloomfield, Iowa; Mr. S. A. Burgess, Lamoni, Iowa; Mrs. J. K. Dysart, Ottumwa, Iowa; Mr. Jos. T. Finnegan, Early, Iowa; Mr. Alex Fitzhugh, Des Moines, Iowa; Mr. H. H. Green, Waterloo, Iowa; Mr. I. C. Hastings, Garner, Iowa; Mr. Fred W. Hill, Hamburg, Iowa; Mr. Louis J. Krensky, Carroll, Iowa; Mrs. Jennie Lane, Osceola, Iowa; Mr. Ray Latham, Ida Grove, Iowa; Mr. Buell McCash, Bloomfield, Iowa; Mr. Kirk H. Porter, Iowa City, Iowa; Mr. Starr G. Wilson, Emmetsburg, Iowa; Mr. C. D. Baldwin, Cascade, Iowa; Mr. George S. Banta, Manchester, Iowa; Mr. Emil H. Bilharz, Audubon, Iowa; Mr. Charles Browne, Monmouth, Iowa; Mr. W. A. Caldwell, Oskaloosa, Iowa; Mr. L. V. Carter, Lawn Hill, Iowa; Mr.

L. R. Clements, Harvey, Iowa; Mr. H. A. Darting, Glenwood, Iowa; Mr. Clyde H. Doolittle, Delhi, Iowa; Mr. Frank W. Elliott, Davenport, Iowa; Mrs. Ellis R. Engelbeck, Des Moines, Iowa; Mr. R. O. Garber, Adair, Iowa; Mrs. Albert E. Glazier, Fort Madison, Iowa; Mr. B. Greteman, Carroll, Iowa; Mr. Harry B. Griffith, Harlan, Iowa; Miss Esse V. Hathaway, Des Moines, Iowa; Mr. J. A. Heng, Spencer, Iowa; Mrs. H. S. Hollingsworth, Des Moines, Iowa; Mr. A. D. Huff, Eldon, Iowa; Mrs. Mary E. Irish, Des Moines, Iowa; Mr. Robt. E. Johnson, Marshalltown, Iowa; Mr. A. B. Judson, Balfour, Iowa; Mr. W. B. Kerr, Des Moines, Iowa; Mr. Fred McCulloch, Belle Plaine, Iowa; Mrs. L. C. McHenry, Des Moines, Iowa; Mr. Reed H. McIlree, West Union, Iowa; Mr. Richard F. Mitchell, Fort Dodge, Iowa; Mr. L. W. Powers, Denison, Iowa; Mr. S. J. Rice, Scotch Grove, Iowa; Dr. F. J. Swift, Maquoketa, Iowa; Mr. Thomas H. Thompson, Garner, Iowa; Mr. G. F. Tincknell, Alta, Iowa; Mrs. I. H. Tomlinson, Des Moines, Iowa; Mr. Laurence I. Truax, Guthrie Center, Iowa; Mr. Foster W. Wilson, Rockwell City, Iowa; Miss Blanche Wingate, Des Moines, Iowa; Mr. Hy. J. Zimmerman, Amana, Iowa; Mrs. J. N. Beck, Glidden, Iowa; Mr. Ernest W. Brown, Des Moines, Iowa; Mr. W. W. Comstock, West Union, Iowa; Mr. Emory W. Curtis, Chariton, Iowa; Mrs. Mabel Duree, Centerville, Iowa; Mr. Tracy Garrett, Burlington, Iowa; Mrs. Louise Miller Henely, Grinnell, Iowa; Mr. H. B. Morgan, Baxter, Iowa; Mr. Lewis J. Neff, Walnut, Iowa; Mrs. Chas. H. Warrington, Jefferson, Iowa; and Mrs. Frederick W. Weitz, Des Moines, Iowa. Mr. O. K. Patton, of Des Moines, Iowa, has been enrolled as a life member of the Society.

NOTES AND COMMENT

The Iowa Academy of Science held its annual meeting at Iowa City, April 23 and 24, 1920. A portrait of Samuel Calvin, a charter member of the Academy, was presented to the Historical Department of Iowa. The officers elected for the ensuing year were: president, Nicholas Knight; secretary, Jas. H. Lees; and treasurer, A. O. Thomas.

John C. Parish, Associate Editor of the State Historical Society, delivered an address on "The Story of Iowa" before the annual meeting of the Madison County Historical Society at Winterset, Iowa, on April 27, 1920. Mr. Parish was one of the nine charter members who organized the society sixteen years ago.

Professor Clarence W. Alvord, for many years Professor of History at the University of Illinois and Editor of the Illinois Historical Collections, has accepted a position as Professor of American History at the University of Minnesota and takes up his new work in the fall of 1920.

A movement for the marking of historic sites at Ames and in that vicinity is under the direction of Mrs. Louis B. Schmidt who is a member of the State historic spots committee of the Iowa Conservation Association.

George W. Guye, who died at Winterset on May 18, 1920, was one of the early settlers of Iowa. He was born in Tennessee in 1826 and came to Madison County in 1846, entering the first tract of land in that county. Mr. Guye was also one of those who voted on the Iowa Constitution of 1846. He was a life member of the Madison County Historical Society.

At a meeting of the Iowa Press and Authors' Club held at Des Moines, June 5, 1920, the following officers were installed: Esse V. Hathaway, president; Mrs. James D. Le Cron, first vice president; Verne Marshall, second vice president; Blanche Wingate, secretary; and W. B. Kerr, treasurer.

A picnic for old settlers and their friends was held at Hawarden on June 18, 1920. The address was given by W. D. Boies. Mrs. David Brunskill was chosen president for the ensuing year and J. E. Gearhart was named secretary.

The Division of Anthropology and Psychology of the National Research Council has announced the appointment of committees for the year beginning July 1, 1920. The Committee on the Archaeological Survey of the States of Illinois, Indiana, Iowa, and Missouri is composed of R. B. Dixon of Harvard University, Berthold Laufer of the Field Museum of Natural History, and C. E. Seashore of the State University of Iowa. One thousand dollars has been assigned to this committee for the expenses of the organization and supervision of the project.

A portrait of Jonathan Chapin Hall was presented to the Iowa Supreme Court on May 4, 1920. W. W. Baldwin made the presentation and the portrait was accepted by Judge Benjamin I. Salinger. Judge Hall was born at Batavia, New York, in 1808, and came to Iowa in 1839 and began the practice of law. He was a member of the constitutional conventions of 1844 and 1857 and was a member of the State Supreme Court during 1854–1855. He was also a member of the Eighth General Assembly. He died in 1874.

The Navy Appropriation Bill which recently passed Congress, directs the Bureau of Navigation to furnish to the various States and Territories, statements of the service of all persons who served in the Navy during the World War, from these States and Territories, and an appropriation is made to cover the expense of this work. This is the result of a vigorous campaign made during the past year by those interested in the history of the World War. Particularly conspicuous in the effort to obtain this legislation was Lieutenant Colonel Frank E. Lyman, Secretary-Director of the Iowa Roster Commission who was chairman of the committee appointed with this end in view by the National Association of War History Organizations.

JOSEPH W. RICH

Joseph Warford Rich, for many years a patron of educational and historical interests in the State, died at his home in Iowa City,

on June 12, 1920. He was born at Marcellus, New York, on September 21, 1838, but came to Iowa early in life. In October, 1861, he enlisted as a private soldier in Company E of the Twelfth Iowa Infantry and with this volunteer regiment served during the spring and summer of 1862 in various engagements. The most notable of these was the Battle of Shiloh in which the Twelfth Iowa was one of the four regiments which held the ground designated by the Confederates as the "Hornet's Nest". On Christmas day, 1862, he was discharged from the hospital at Jefferson Barracks, Missouri, on a surgeon's certificate of disability.

After recovering his health he taught school for some time and during the years 1867 to 1870 was a student at the State University of Iowa. Here he was a pupil of Miss Ellen Moore, whom he married in 1868. In 1871 he became editor and part owner of the *Vinton Eagle* and for about sixteen years continued as its editor. From 1886 to 1892 he was a member of the Board of Regents of the State University of Iowa, and in 1892 became Librarian of that institution, serving in this capacity until 1898.

The scope of his interests is somewhat indicated by the fact that for a long period of years he was a Director of the Iowa City State Bank, a Trustee of the Public Library of Iowa City, and a Curator of the State Historical Society of Iowa. The latter position he occupied from 1903 to 1920 and interested himself in all phases of the work of the Society.

He was an indefatigable student of Civil War history and contributed numerous articles to the IOWA JOURNAL OF HISTORY AND POLITICS. In 1911 his book on *The Battle of Shiloh* was published by the State Historical Society of Iowa. It was the product of a long and careful study of the engagement, and historians and military critics have pronounced it to be the "best published account of that dramatic conflict".

CONTRIBUTORS

Donald LeCrone McMurry, Associate in History at the State University of Iowa. Born at Winona, Minnesota, March 2, 1890. Received the degree of B. A. from Beloit College in 1911 and the degree of M. A. from the University of Wisconsin in 1913. Instructor in History at Vanderbilt University, 1914–1917. Instructor in History at Brown University, 1918–1919.

Charles Reuben Keyes, Professor in Cornell College, Mt. Vernon, Iowa. Attended the public schools of Mt. Vernon and received a B. Ph. degree from Cornell College in 1894 and an M. A. degree from Howard University in 1898. Attended various German universities. Author of numerous articles on scientific and literary subjects.

Louis Bernard Schmidt, Professor of History in the Iowa State College of Agriculture and Mechanics Arts. (See The Iowa Journal of History and Politics for October, 1912, p. 593.)

Cyril Bryce Upham, Instructor in Political Science in The State University of Iowa. (See The Iowa Journal of History and Politics for January, 1919, p. 152.)

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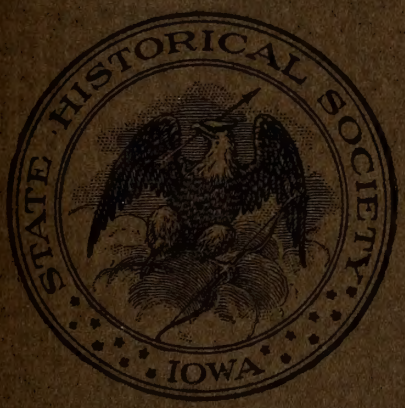
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OCTOBER NINETEEN HUNDRED TWENTY
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A REVIEW OF THE WORK OF THE IOWA CODE COMMISSION

Six different times since the year 1838, when the Territory of Iowa was organized, have the people of this Commonwealth seen their statute law collected and committed to a single book known as a "code" to the end that such law when presented in a logical, concise, and orderly manner might be clear and simple even to the ordinary citizen.[1] The last and bulkiest of these volumes, the *Code of 1897,* was barely off the press when the legislature added a book of several hundred new laws and repeated the performance at every session thereafter. So confusing and time-consuming were these volumes of session laws issued since 1897 that their contents have been consolidated three times in the form of supplements to the code, each one in turn being rendered obsolete by its successor. After the compilation of the *Supplement of 1913,* the statute law again assumed a condition bordering on chaos; and when the Thirty-eighth General Assembly closed its session in 1919, Iowa statute law had to be sought in the *Code of 1897,* the *Supplement of 1913,* the *Supplemental Supplement of 1915,* and the acts and resolutions of the Thirty-seventh and Thirty-eighth General Assemblies.

Had the plan provided by law in 1915 been followed down to date, there would be only three instead of five deposi-

[1] The reader who desires to know the history of codification in Iowa previous to the year 1914 should read a series of articles by Clifford Powell in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vols. IX–XII. For shorter accounts of the subject see Dan E. Clark's paper in *Iowa Applied History,* Vol. III, pp. 399–427, and Emlin McClain's summary in the *Iowa Law Bulletin,* Vol. I, pp. 1–28.

tories of the law. The *Supplemental Supplement* published in 1915 was a compilation of the statutes enacted in that year under title, chapter, and section numbers corresponding to those of the two existing code volumes, the intention being that subsequent legislation would be fitted into it in like manner, thus resulting in a cumulative supplement which would be reprinted every two years. This scheme of taking care of the legislative output of each General Assembly, elaborately set forth in a law covering more than two pages, contemplated the early publication of a one-volume code and the use thereafter of but two volumes of statute law — the code and a biennial cumulative supplement.[2] One of the first enactments of the Thirty-seventh General Assembly in 1917, however, overthrew this plan and caused a return to the old system of issuing a separate volume of laws for every session of the legislature. Whether this action was the result of accident, misunderstanding, or ill-will it is not easy to determine; but be that as it may, when it was later discovered that the law creating a supplemental supplement had been killed, a bill to revive it was sidetracked only because another measure was confidently expected to provide for complete code revision.[3]

RECENT AGITATION FAVORING REVISION AND CODIFICATION

In his inaugural address of 1917 Governor Wm. L. Harding, himself a practising lawyer before he assumed the office of chief executive, showed that he was deeply impressed by the welter of Iowa statutes. His own words[4] addressed to the General Assembly were as follows:

> What the people of this State want is fewer laws, plainly written,

[2] *Supplemental Supplement of 1915,* p. XI and Sec. 224-i.

[3] *Laws of Iowa,* 1917, Ch. 5, Sec. 11.

[4] *Journal of the Senate,* 1917, p. 121; *Journal of the House of Representatives,* 1917, p. 122.

easily understood, and well enforced. They expect you to reduce the number of laws; expect you to put them in such shape as that the average man may read as he runs, and patriotically obey. This is a task too large for a single session. I therefore recommend that a body be provided by this legislature, to report to the succeeding one, in harmony with this thought, their findings for action.

When our laws shall be reduced to readable limits, they will be understood, and respected, and, so, easily enforced.

The Governor made rather more constructive recommendations some time later in a message to the same body: he suggested that a legislative committee take up the problem of revising the laws for the raising of revenue; that a similar committee grapple with the problem of the overlapping authority of State departments and officers; and that there be appointed "a small number of skilled and competent persons, trained in the law, to edit the existing codes and to clarify and simplify them."[5] Legislators acquainted with the situation were so generally in favor of the latter suggestion that the Van Alstine Bill creating a commission of five members to codify the laws and report to the General Assembly was passed by an overwhelming majority in the Senate. Unfortunately the measure got caught in the jam of the closing days of the session and failed to emerge from the hands of the House Sifting Committee.[6] So pressing was the need of untangling the law that the Iowa State Bar Association at its meeting in June, 1917, went on record urging immediate recodification.[7]

Legislative consideration of this important subject was resumed when the General Assembly met in January, 1919. Indeed, the second bill introduced in each house provided for a code commission; later bills covered the same ground

[5] *Journal of the Senate*, 1917, pp. 301, 302.

[6] Senate File, No. 2. For the record of this bill see *Journal of the Senate*, 1917, p. 2033, and *Journal of the House of Representatives*, 1917, p. 2308.

[7] *Proceedings of the Iowa State Bar Association*, Vol. XXIII, pp. 51, 53.

in a somewhat different way; and eventually the measure prepared by a Senate Judiciary Committee, slightly modified, obtained the right of way to enactment by practically unanimous votes in both houses, obtained the Governor's signature, and went into effect by publication on March 18th.[8] A brief digest or analysis of this act will reveal its scope and character.

ACT OF 1919 CREATING A CODE COMMISSION

The law provided for a commission of three members, one of whom was to be the Supreme Court Reporter and the others were to be selected by the Governor from a list of five especially qualified persons recommended by the Chief Justice of the Supreme Court. After subscribing to an oath to support the constitutions of State and Nation and to perform their duties faithfully and impartially according to the best of their knowledge and ability, the commissioners were required to take up the work assigned to them on or before April 1, 1919, at a compensation of $25.00 each for every day of eight hours actually employed, together with all necessary traveling expenses. This per diem paid to the Supreme Court Reporter was in lieu of his regular salary; and during his membership on the commission he might employ an assistant to continue the work of reporting at the State's expense for not more than $2000 per annum. Vacancies for any cause were to be filled in the same manner as the original appointments.

The commission was granted the following powers: to obtain suitable rooms and supplies; to call upon the Supreme Court, State departments, and State officials for information and assistance; to employ a chief clerk or stenographer at an expense of not more than eight dollars per day when necessary and such other stenographers as were

[8] *Journal of the Senate*, 1919, pp. 629, 630, 864; *Journal of the House of Representatives*, 1919, pp. 778, 917; and *Laws of Iowa*, 1919, Ch. 50.

needed at an expense of not more than five dollars per day each; and in order to complete their work by January 1, 1920, to secure, with the approval of the Executive Council, other additional assistants.

From the wording of the act it would seem that the legislature lacked a clear conception of the nature of the duties to be performed: its language in this respect leaves the reader in reasonable doubt.[9] In the first place, the law declares that the "commission shall carefully edit and codify the laws of Iowa, omitting all laws or parts repealed, omitting all laws of local or temporary character, and all annotations and decisions, and collect such general laws of Iowa, including such laws of the thirty-eighth general assembly, printed and bound in one complete volume in such shape as to be amended and adopted as the permanent code of the state." In preparing this volume the commission was to give new numbers to the sections of existing code publications, number the lines of sections, include a table of corresponding sections and an index of the principal words without cross-references, and have the book completed and printed on or before December 1, 1919.

A second duty of the commission is stipulated in the following words:

> Accompanying said proposed code, the commission, and after its discharge the code editor, shall submit a report to the legislature calling attention by reference to section of the code, to all repealed laws by section and reference to the session repealing same and calling attention to such portions of the laws as may be found to be conflicting, or redundant or ambiguous or such as otherwise require legislative action to make clear; and shall include in such reports the comments and recommendations of the commission or editor upon the subject of any part of said code.

This report was to be completed and printed on or before January 1, 1920.

[9] The statute does not conform to the best standards of draftsmanship.

The drafters of the law above outlined, realizing to some extent what the effect of the code commission's work would be, took occasion to devote another part of the law to laying down new duties for the Code Editor after the commission dissolved. It is clear from the provisions of the law that the Code Editor will in the future be expected to advise the legislature on the condition of Iowa statute law. Furthermore, he is required to edit and prepare for publication a book of annotations of the code "to be printed in a separate volume arranged in the same way as to divisions, titles, chapters, and sections, as the edited code containing the annotations of all statutes construed by the supreme court of Iowa, and the federal courts, which book of annotations shall continue to be edited by the code editor up to date from time to time and printed, sold and distributed in the same manner as the code." Unless the Supreme Court should extend the time for good cause, the first book should be completed on or before January 1, 1920;[10] but after every session of the General Assembly the Code Editor is required to edit the code and the book of annotations so that they "may be printed from time to time as ordered by the general assembly to meet all demands for the same."

Another section of the act creating the commission specifies that the slugs, monotype or linotype matter of the new code shall be of the same style as the *Supplemental Supplement of 1915;* that "they shall be preserved as the property of the state so that by correction of same from time to time

[10] Owing to the fact that the Supreme Court Reporter served continuously in the work of codification and revision until the commission adjourned late in February, 1920, the completion of the book of annotations was postponed to July 1, 1920, by order of the Supreme Court and a second extension of time was given until sixty days after the convening of the Thirty-ninth General Assembly in 1921.

The present article does not include an account of the work of annotation by Mr. Whitney and his assistant, O. K. Patton, because it is not a part of the work of the code commission; but a brief report of their labors will no doubt be published as a preface to the book of annotations.

the code and book of annotations may be successively printed as edited to date''; that the ''linotype slugs set for the supplemental supplement 1915, and now owned by the state, shall be used for the code and book of annotations''; and that the ''printing of the code and book of annotations shall be from electrotype plates and not from the linotype slugs direct, and the electrotype plates need not be preserved.'' The type face for both books is also described.

The remainder of the act covers the following matters: the number of copies of the code to be printed; the distribution of the code, the report, and the book of annotations; the sale price of the code and the report; the auditing and payment of expenses growing out of the work of the commission; and a blanket appropriation of money from the State treasury.

When critically analyzed the whole act is seen to present a curious mixture of law of a permanent nature and law of a temporary nature, and combines under one title two different subjects: the creation and duties of the code commission and the duties of the Code Editor after the dissolution of the commission, the work of each being distinct and independent, although the one grows out of the other. The most unique feature of the act, however, is the sentence which declares ''the great necessity for the adoption'' of the report of the code commission and requests the Governor ''to convene the legislature in extra session during the month of January, 1920, or as soon thereafter as practicable, for the consideration of said report and code.'' By going on record in this way it would appear that the legislature sought not so much to thrust an obligation on the Governor as to relieve him of the responsibility for calling an extra session which would mean additional expense to the taxpayers.

THE CODE COMMISSION

In accordance with the authority conferred by the legislature Chief Justice Scott M. Ladd promptly submitted the following list of nominees: W. A. Helsell of Odebolt, J. C. Mabry of Albia, E. D. Perry of Des Moines, J. H. Trewin of Cedar Rapids, and Chas. M. Waterman of Davenport. Governor Harding appointed Mr. Mabry and Mr. Trewin, who on March 19th, together with Supreme Court Reporter U. G. Whitney, took the oath of office. The commission immediately organized with Mr. Trewin as chairman and Mr. Whitney as secretary; E. F. McMahon was chosen chief clerk; a staff of stenographers and other assistants was employed; the rooms of the Lieutenant Governor were occupied as working-quarters; and Mr. Whitney was placed in charge of the work at the State House.

Since without aid the code commissioners could not hope to complete the work within the time prescribed by the legislature they exercised the power to employ additional assistants: with the approval of the Executive Council they engaged Ralph Maclean to assist Mr. Trewin at Cedar Rapids, C. A. Robbins to assist Mr. Mabry at Albia, and O. K. Patton to assist Mr. Whitney at the State House. Somewhat later the commission obtained the services of Professor John E. Brindley[11] of Ames to aid in the compilation and codification of the State's tax laws, Professor J. Van der Zee of Iowa City to prepare an index, and Professor H. C. Horack[12] of Iowa City to analyze the uniform conditional sales act and show its effect on existing law if adopted in Iowa. A few words about the commis-

[11] Mr. Brindley is professor of economics in the Iowa State College of Agriculture and Mechanic Arts. He has written a book on road legislation in Iowa and a two-volume work on the history of taxation in Iowa.

[12] Mr. Horack is professor of law in the State University of Iowa and also secretary-treasurer of the Iowa State Bar Association.

sioners and their regular assistants will not be out of place in this connection.

Born in Carroll County, Virginia, in 1860, Jefferson C. Mabry obtained his early training and education in Illinois, later graduating from Carthage College at the age of twenty-two. After being admitted to the Iowa bar at Burlington the next year, he removed to Albia for the practice of his profession and has been so occupied ever since with the exception of the years 1891 and 1892 when he taught in the law department of Drake University.[13] An attorney of wide experience, Mr. Mabry has come to be recognized as a specialist in railroad, mining, banking, and corporation law.

Ulysses G. Whitney was born on a farm in Hardin County in 1864 and attended the rural schools. After teaching for five years, he spent two years as a student at Cornell College, then read law, and graduated from the law school of Drake University in 1890. Upon being admitted to the bar he opened an office at Sioux City; served ten years as county attorney for Woodbury County; and became State Representative in the Thirty-fourth and Thirty-fifth General Assemblies. Since January, 1915, Mr. Whitney has held the positions of Supreme Court Reporter and Code Editor.[14] As Supreme Court Reporter Mr. Whitney has written the head notes for the opinions of the Supreme Court contained in the last eighteen volumes of Iowa reports which have been published under his supervision; and as Code Editor he completed the *Supplement of 1913,* edited the *Supplemental Supplement of 1915,* and brought out the session laws enacted subsequent to his appointment. Mr. Whitney is also the author of *Whitney's*

[13] Cole and Ebersole's *The Courts and the Legal Profession,* Vol. II, p. 863.

[14] *Iowa Official Register,* 1917–1918, p. 228; Brigham's *Iowa, Its History and Its Foremost Citizens,* Vol. II, pp. 125, 126.

Digest covering volumes 168 to 178 of the Iowa reports. In recent years he has frequently been called upon to draft bills for members and committees of the legislature; and it is well known that he assisted in the preparation of the original draft of the important road legislation of 1919.

Born near Chicago, Illinois, in 1858, James H. Trewin came to Iowa in 1872. His early education was in the common schools, in Bradford Academy (Chickasaw County), Cedar Valley Seminary, and Lenox College at Hopkinton. He engaged in teaching for about seven years, then studied law in an office at Dubuque, Iowa, and was admitted to practice in 1882, first opening an office at Earlville, Delaware County, Iowa. He moved to Lansing, Iowa, in 1889 and to Cedar Rapids, Iowa, in 1902. Since admission to the bar he has been in active general practice. Mr. Trewin's interest in the condition of the State's law began with his membership in the lower house of the Twenty-fifth General Assembly in 1894. At that time he championed codification by fathering the bill which was passed creating a commission. At the next session of the legislature, as a member of the Senate committee on code revision, he took an important part in the consideration of the code commission's work. In the extra session of 1897 he served on a joint committee which had certain duties to perform in connection with the publication of the code; and when the General Assembly had adopted the proposed code piecemeal with numerous modifications, a committee of five legislators was appointed to supervise the editing and preparation of the new *Code of 1897* for the press and report to the session after a brief recess. This committee organized under the chairmanship of Mr. Trewin, and made reports on July 1, 1897, and to the Twenty-seventh General Assembly in 1898. During the legislative session of 1900 Mr. Trewin was a member of the joint committee to "carefully revise and codify all the special assess-

ment laws, and such other laws in relation to the government of municipal corporations, as may be by the committee deemed necessary and expedient, and recommend such changes therein as may be desirable." In the Twenty-ninth General Assembly Mr. Trewin urged the publication of the *Code Supplement of 1902* and became a member of the legislative committee which supervised the editing. Subsequent to his career in the Senate his advice has been frequently sought by legislators who have introduced bills dealing with the codification of the law. Mr. Trewin also acted as the first president of the Iowa State Board of Education from 1909 to 1914.[15]

Caleb A. Robbins of Winterset, a native of Kansas and now fifty-two years of age, attended the rural and Winterset schools, Valparaiso University, and the University of Iowa law school. For nearly thirty years he has been active in the practice of law. From 1911 until 1918 he filled the positions of special counsel and assistant under Attorneys-general Cosson and Havner.

Ralph Maclean of Carroll was born at Columbus City in 1876, obtained an education in the schools of Atlantic, engaged in nearly every phase of newspaper work, and has practised law continually since 1912.

Odis K. Patton of Iowa City spent his youth in Story and Marshall counties, Zearing being the place of his birth in 1889. After graduation from the schools of Marshalltown, he continued his studies at the University of Iowa which granted him four degrees in arts and law — B. A., M. A., Ph. D., and LL. B.— the last in 1917. He had meanwhile devoted part of his time to the teaching of political

[15] Gue's *History of Iowa*, Vol. IV, p. 266; THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XI, pp. 365, 366, 387, 388, 409, 414, 416, 420, 431, 432, 434, 440. Mr. Trewin has been deeply interested in the simplifying of the law by revision and codification and has thought and read a great deal on the subject.

science in the same institution and to research for The State Historical Society of Iowa. As related to the law of Iowa his writings cover the following subjects: marriage and divorce legislation, home rule in cities, the removal of public officials, methods of statute-law making, and the interpretation and construction of statutes.[16] Shortly after beginning the practice of his profession at Sioux City in 1917, Mr. Patton enlisted in the army for service in the World War.

Almost the first act of the code commission was the clear and definite determination of what the General Assembly intended its duties to be. Since the words of the statute were not as illuminating as they might have been in this matter, the commissioners addressed a communication to the legislature with a view to explaining their understanding of the statute in order that the General Assembly might have an opportunity to set them right if they were mistaken. When no response of any kind was forthcoming, the commissioners, acting on the theory that silence gives approval, proceeded to carry out their own construction of the functions hinted at in the law. Their interpretation of the legislature's intent deserves to be stated in full because it clears up the not always apparent distinction between "compilation" and "codification" of the laws. The commission's duties were assumed to be the following:[17]

> First, to prepare an orderly compilation of the laws, omitting all laws of a local or temporary character, etc., and to cause the same to be printed on or before December 1st, 1919, without any change in wording;
>
> Second, to prepare a report setting forth a codification of such parts of the law, as, in the judgment of the commission, is necessary, and that such codification shall be prepared in the form of bills as substitutes for the sections or chapters codified, as the case may be;

[16] *Iowa Applied History*, Vols. II and III.

[17] *Journal of the Senate*, 1919, pp. 1116, 1117.

Third, to separately report such amendments to the laws as codified, as, in the judgment of the commission, are necessary and for the public interest.

Realizing the magnitude of this program and the impossibility of executing it thoroughly in the few short months allowed, the commission also took occasion to inform the General Assembly that the time was scarcely more than would be necessary to complete the compilation, thus leaving scant opportunity for the more important and difficult work of codification. It did not hesitate, therefore, to address the following appeal to the members of the legislature:[18]

First, point out specifically all defects, conflicts, inconsistencies and errors in the laws of the state which you have been able to discover;

Second, rewrite any section or sections of the law which, in your judgment, can be made plainer and more concise, without change in the meaning of the law;

Third, make specific suggestions in the form of amendments to sections, or substitutes for sections which in your opinion would improve any of the laws of the state and be for the public benefit. Mere general suggestions will be of small value because of the lack of time to formulate them into amendments, but all specific suggestions will be of great aid to the commission and much appreciated.

Impressed by the commission's complaint about its inability to come through on schedule time, the Senate unanimously passed a joint resolution authorizing the Committee on Retrenchment and Reform to extend the period not more than thirty days if necessary, but in the lower house the Sifting Committee failed to report this measure out. It is also worthy of note that on the day before final adjournment the members of the legislature almost succeeded in reversing themselves in regard to a matter which

[18] *Journal of the Senate,* 1919, p. 1117.

they believed on second thought would bring confusion to the legal profession: the Senate Sifting Committee introduced a bill to abandon the plan of renumbering the sections of the code. Although this measure passed both houses by unanimous votes the process of enactment missed completion before adjournment.[19] Had its duties been modified to such an extent, not only would the code commission have been effectively hobbled, but its progress and ultimate usefulness also would have been seriously impaired.

THE COMPILED CODE

First among the steps to be taken to put the State's storehouse of law in order was to discover and assemble the rules of law enacted by the Iowa legislature. The code commission's task did not, of course, extend to the gathering of all the law as set forth in the statute books and in the reported decisions of the Supreme Court — an undertaking of such tremendous proportions has never been essayed in Iowa, although it has been accomplished in a few American States[20] with doubtful advantage in the end. On the contrary, the code commission was to focus its attention on legislation of a permanent and general nature only.[21] This required the collecting of law from five official depositories: the *Code of 1897*, the *Supplement of 1913*, the *Supplemental Supplement of 1915*, and the two volumes of statutes enacted by the General Assembly in 1917 and 1919. Some permanent legislation accidentally omitted from the books above named was also unearthed by the commission.[22] The

[19] *Journal of the Senate*, 1919, p. 2166; and *Journal of the House of Representatives*, 1919, pp. 2216, 2225.

[20] California, North Dakota, South Dakota, Montana, and Idaho.

[21] Temporary appropriation and legalizing acts were omitted.

[22] See *Compiled Code*, p. 2639. At the same time the new compilation lacks the permanent law included in chapter 50, *Laws of Iowa*, 1919.

statute law thus gathered up from the several sources aggregated approximately 12,000 sections.

Inasmuch as a considerable fraction of this mass of legislation consisted of repealing and amendatory statutes, the next step was to cull out dead matter that had been accumulating for over twenty years and at the same time to preserve the living law in its entirety. Great care was required to preserve existing statutes in the form in which the legislature had left them. Sections of law amended or expressly repealed by other sections were handled in the manner authorized by the legislature. Obsolete law thus ferreted out was then discarded, and authorized changes in the wording of numerous sections in the *Code of 1897* and its supplements were also carried out. Thus, for example, wherever the old law required the Executive Council to audit specific claims against the State, the words "State board of audit" were substituted;[23] "State Normal School" now appears as "State Teachers' College"; and where certain State educational institutions once managed by boards of trustees were later placed under the State Board of Education, the name of the new board was substituted. Those who suppose that the mulct law has been completely shelved by the recent prohibitory amendment to the United States Constitution may be surprised to learn that the *Compiled Code* retains those provisions of the old law which impose a fine for the illegal sale of liquor: sixteen sections providing for the collection of a tax for bootlegging will now operate as a penalty in addition to the penalties elsewhere laid down in the law.

This process of overhauling nearly 12,000 sections of law, without changing their meaning or eliminating any portion unless expressly authorized, resulted in the survival of a

[23] This change was omitted in *Compiled Code,* Secs. 921, 4753.

total of 9589 sections.[24] Even in cases where two or more sections, as in the collateral inheritance tax law, or even whole chapters like those dealing with drainage concern the same subject, no matter whether certain provisions be redundant or cumulative or plainly contradictory, the code commission allowed the law to stand: in its preparation of the *Compiled Code* it gave effect to express repeals, but never took the liberty to omit sections repealed by implication.[25] By not assuming to sit as a court to interpret the meaning of the law in such cases the commission steered a safe course: not wishing to tamper with the law during the first stage of its labors, it wisely reserved for the legislature the task of eradicating repetition or confusion in the law as such elimination might be suggested in bills to be drafted by the commission later. The *Compiled Code* accordingly presents all redundant or contradictory sections either placed consecutively or in close proximity so that the reader will be more likely to note the defects in the law.

It should be pointed out that the code commissioners endeavored to make their work of compilation a stepping-stone to the more important work of revision and amendment; and so the *Compiled Code* is in no sense the result of an attempt to codify Iowa statute law. Had the commission undertaken to effect any far-reaching changes in the wording of the law, it would have laid the ground for censure and prejudice in the legislature where some members

[24] Sometimes very lengthy sections were divided into several consecutive shorter sections. See *Compiled Code*, Secs. 1978–1984, 8953–8957, 9001–9004, 9015–9018. On the other hand, widely separated but related sections were occasionally combined as paragraphs of the same section. For an illustration of this see section 4516.

[25] For instance, an old law required the immediate burning of hogs dying from disease and forbade persons to deal in dead swine or to convey diseased or dead diseased swine upon a public highway; but a very recent statute legalized the utilization and disposal of all dead animals in a certain way for scientific purposes. Since the old law is not expressly repealed, the commission had both statutes printed in the *Compiled Code*.

are always ready and eager to take advantage of the slightest excuse for criticism. Nowhere in the *Compiled Code,* therefore, has the language of the law undergone any modification except as authorized by the legislature.

When the clearing out of dead timber from the law had been finished, the commissioners and their assistants began the task of familiarizing themselves with the thousands of sections which survived the ordeal. These sections, separately pasted upon loose, large-size sheets of stiff paper, were sorted according to subject-matter. In this phase of the work, the old principles of classifying the law, pursued in previous code publications of the State, served the general purpose of lighting the commissioners on their way, but gradually they evolved a different scheme of classification by titles. The *Code of 1897* consists of four parts: Public Law, Private Law, Code of Civil Practice, and Code of Criminal Procedure; each is divided into titles; and these twenty-six titles are further subdivided into chapters. All legislation enacted by the General Assembly since 1897 has been fitted into this arrangement. A general survey of the law as a whole convinced the code commission that it would be unwise to pattern an up-to-date compilation after the *Code of 1897,* and so a rearrangement was decided upon as both necessary and proper.

A comparison of old and proposed title headings in parallel columns below reveals not only the scope and contents of the *Code of 1897* and the *Compiled Code* but suggests in a superficial way the superiority of the latter in at least one respect: simple and orderly arrangement. Indeed, the code commission's analysis and proposed classification of the law is more thorough and scientific than the one heretofore prevailing. The omission of the archaic and useless word "Of" as the introductory word of titles is a decided improvement.

Comparative Table of Code of 1897 and Compiled Code

(Figures in parentheses indicate the number of chapter subdivisions)

Titles in the Code of 1897	Titles in the Compiled Code of 1919
I. Of the Sovereignty and Jurisdiction of the State, and the Legislative Department (5)	I. Sovereignty and Jurisdiction of the State, and the Legislative Department (8)
II. Of the Executive Department (9)	II. Executive Department (16)
III. Of the Judicial Department (15)	III. Military Code and Related Matters (4)
IV. Of County and Township Government (11)	IV. Elections and Officers (29)
V. Of City and Town Government (14)	V. Regulations under Police Power (24)
VI. Of Elections and Officers (12)	VI. Public Health (15)
VII. Of the Revenue (4)	VII. Dairy and Food Department (14)
VIII. Of Roads, Bridges and Ferries and the Destruction of Thistles (3)	VIII. Department of Agriculture, Horticulture, and Animal Industry (22)
IX. Of Corporations (13)	IX. Charitable, Correctional and Penal Institutions (20)
X. Of Internal Improvements (9)	X. Education (38)
XI. Of the Militia (1)	XI. Highways (18)
XII. Of the Police of the State (21)	XII. County and Township Government (24)
XIII. Of Education (18)	XIII. City and Town Government (41)
XIV. Of Rights of Property (11)	XIV. Taxation (22)
XV. Of Trade and Commerce (10)	XV. Certain Internal Improvements (5)
XVI. Of the Domestic Relations (8)	XVI. Common Carriers (10)
XVII. Of the Estates of Decedents (5)	XVII. Corporations (6)

XVIII.	Of Procedure in Courts of Original Jurisdiction (16)
XIX.	Of Attachments, Garnishment, Executions, and Supplementary Proceedings (4)
XX.	Of Procedure to Reverse, Vacate, or Modify Judgments (3)
XXI.	Of Procedure in Particular Cases (18)
XXII.	Of Justices of the Peace and Their Courts (1)
XXIII.	Of Evidence (1)
XXIV.	Of Crimes and Punishments (15)
XXV.	Of Criminal Procedure (50)
XXVI.	Of the Discipline and Government of Jails and Penitentiaries (2)
XVIII.	Insurance (12)
XIX.	Banks (5)
XX.	Building and Loan Associations (1)
XXI.	Trade and Commerce (14)
XXII.	PersonalProperty(2)
XXIII.	Real Property (12)
XXIV.	Certain Special Liens (7)
XXV.	Legalizing Acts (7)
XXVI.	Domestic Relations (10)
XXVII.	Justices of the Peace (1)
XXVIII.	Courts of Record of Original Jurisdiction (8)
XXIX.	General Provisions Relating to Civil Practice and Procedure (17)
XXX.	Estates of Decedents (6)
XXXI.	Particular Actions (32)
XXXII.	Supreme Court (3)
XXXIII.	Criminal Law (63)
XXXIV.	Criminal Procedure (47)

A study of the foregoing table explains in some measure what the code commission has done in its compilation of the law. Twenty-one of the old title headings, some slightly altered, have been carried over into the *Compiled Code;* and of the remaining five, Title III has been broken up into new ones covering "Courts of Record of Original Jurisdiction" and "Supreme Court", and Titles XIX, XX, XXIII, and XXVI have been quite properly reduced in

importance to the status of chapters under other titles. It is to be noted, moreover, that eleven subjects formerly relegated to chapters have now been raised to the prominence of titles. The introduction of several new titles and nearly 300 new chapter headings represents an outstanding departure from the style of the *Code of 1897* and is justified on two grounds: first, if the General Assembly approves them, the statute law of Iowa thus arranged can not be so easily thrown into confusion by subsequent amendments by the legislature; and secondly, when the General Assembly meets to pass upon the commission's 253 bills for the amendment, revision, and codification of certain portions of the law, the task of comparing existing and proposed provisions will be considerably simplified and greatly facilitated because neither the chapters affected nor the bills proposed are especially lengthy.

Legislative activity during the twenty-two years which have elapsed since the publication of the *Code of 1897* had so enormously developed certain aspects of Iowa statute law that the code commission found the time ripe for the invention and adoption of several important new title headings. Title XII "Of the Police of the State" had come to be a sort of general receptacle for legislation that could not be classified otherwise, and so the commission broke it up and distributed its contents elsewhere. Some of it relating to the State board of health, medicine, surgery, nursing, embalming, pharmacy, and dentistry afforded the nucleus for a new title on "Public Health". Another chapter became the starting-point of an important new title on the "Dairy and Food Department". Two chapters on domestic animals and the State veterinary surgeon and a chapter in the old Title IX on agricultural and horticultural societies and stock breeders and dairy associations, and other statutes, all relating to a field in which the State has gained

distinction, were combined under "Department of Agriculture, Horticulture and Animal Industry". What remained of the old Title XII and similar but widely scattered State regulations for the protection of the people were then compiled as "Regulations under Police Power". Another new title was manufactured out of the State's charitable, correctional, and penal institutions. Other important subjects deemed worthy of separate titles were common carriers (formerly under "Internal Improvements"), insurance, banks, building and loan associations, personal property, and certain special liens. The commission also brought together all general legalizing acts which affect notaries public and acknowledgments, judgments and decrees, real property, corporations, cities and towns, bonds, and certain elections.

Having separated the statute law into appropriate titles without slavishly following the scheme of classification in the *Code of 1897,* the commission effected another improvement by arranging the titles in a more logical order. For instance, the new work devotes the last eight titles to subject-matter relating to the courts and their procedure now scattered throughout the old compilation. This means that in the future lawyers, county attorneys, and judges will know simply that all rules of law concerning the practical or procedural side of their daily activity can be found at the end of the code, related matters being bunched together. The officers of our courts will be compelled, of course, to familiarize themselves with the new arrangement and discard the old: having known for over twenty years that they could find separate titles for execution, attachment, garnishment, and proceedings auxiliary to execution, general principles of evidence, and procedure to reverse, vacate, or modify judgments, they must now learn that these matters are more logically placed under "General Provi-

sions Relating to Civil Practice and Procedure" and "Particular Actions". A few minutes of study should commend to any practitioner the admirable arrangement of the last eight titles of the *Compiled Code:* of course, many members of the bar who have memorized the numbers of frequently consulted sections will grieve because the new section numbering ruins their ability, acquired in over twenty years of practice, to turn to the law without consulting the index.

The number and the headings of titles having been determined, the next step in the process of preparing the *Compiled Code* was the orderly and logical grouping of title contents. By common consent each code commissioner was assigned the special task of arranging certain titles, his final product to be submitted to his colleagues individually and to the commission as a whole for criticism. It was only by such a division of labor that the commissioners could hope to have the compilation ready for distribution by December 1, 1919. To assemble related subject-matter and thus improve upon existing code volumes, which frequently offer together incongruous, unrelated statutory provisions in a most illogical and tantalizing manner, required no little exercise of discrimination.

As rapidly as titles were chapterized, beginning with Title I, the sections received numbers and the loose sheets on which they were pasted were strung together and tied into strong binders for future handling and safekeeping. In the end four sets of the new compilation were made up in this ponderous form, one set for each of the commissioners and the indexer. If the *Compiled Code* was to be printed and bound by the date specified by the General Assembly, there was no time to lose in getting copy ready for the press. The new compilation, therefore, underwent a large amount of editorial supervision: besides arranging the 34 titles and 565 chapters in logical order and selecting

appropriate headings, the commissioners also supplied each of the 9589 sections of the law with proper catchwords at the beginning and bracketed historical references at the end. After July 1, 1919, copy for the *Compiled Code* flowed to the printer without interruption and soon galley proof was being sent to the different commissioners for corrections. Final proof, however, came from the office at Des Moines where Mr. Whitney, qualified by experience as Supreme Court Reporter and Code Editor for several years, had charge of a staff of clerks, proof-readers, and stenographers for the routine duties connected with the work. It is estimated that the process of compiling the law alone consumed four months.

In appearance the *Compiled Code* as printed and bound by The Homestead Company of Des Moines makes a rather bulky quarto volume of 2945 pages. Title headings might well have appeared in larger type than chapter headings. The number and catchwords of each section, not as in previous code publications, now occupy a separate line and stand out in black-face well above the body of the section which is given in clear, readable type on paper of good quality. For easy reference the lines of each section are, moreover, consecutively numbered in the lefthand margin of the page. Bracketed and abbreviated below each section is the reference by the use of which the original enactment can be found in previous statute books of the State, such as the *Code of 1851,* the *Revision of 1860,* the *Code of 1873,* the *Code of 1897,* the supplements to the code, and the session law volumes of 1917 and 1919. These historical references enable the reader to trace the development of a particular section of the law back to its original form.

Allotting two or more extra lines and spacing to the catchwords and historical references of each of the 9589 sections has made the *Compiled Code* much bulkier than it would

have been had they been joined to the beginning and end of each section; but the usefulness of the volume has been very much enhanced by these new visualizing devices. An occasional editorial note is inserted whenever the language of a section needs to be explained for the user's enlightenment.[26]

Besides the commission's introductory statement addressed to the Governor and the General Assembly, the volume includes a topical index by titles and chapters and, immediately following the body of the law, an eighty-four-page table showing in consecutive numerical order all sections of existing law in one column, amendments and repeals in a second, and corresponding *Compiled Code* sections in a third column. The user of the new volume who knows existing law familiarly by section numbers, some of them used for twenty-three years, and wants to learn where the code commission has placed them, is by means of this table enabled to locate quickly what he seeks.

A closer examination of the contents of the *Compiled Code* reveals the fact that the code commission followed a few simple rules: sections once beginning with "That" have been rid of the superfluous word; and those time-honored friends of legislative draftsmen, the words "provided that", have been everywhere changed to a simple "but". It would not be surprising if some sections in their new positions are really out of place. Close inspection, for instance, makes it clear that section 5009 reads intelligibly and logically only after 4959, and section 5010 after 5239. Section 8603 logically follows 8716; sections 8685, 8691, 8692, and 8693 logically belong in the title on trade and commerce; sections 1061–1067 on fire escapes belong after chapter 6 of Title V; 8050–8055 on property stolen or embezzled should come after chapter 19 of Title V; and sections 8967–8980 on impeachment properly deserve a berth

[26] See notes subjoined to sections 1810, 1814, 1936, of the *Compiled Code*.

after chapter 21 of Title IV. Nevertheless, very few mistakes are discoverable, and none of these are vital except perhaps the first one above enumerated. As the result of an oversight on the part of proof readers, paragraphs 22, 23, and 24 were omitted from section 1478; and the section referred to in 3760 should have been 3342 instead of 3134. In the course of time users of the new volume may possibly uncover accidental omissions of law of a permanent nature.

In distributing 9589 sections of law among 565 chapters and arranging the latter under thirty-four titles, the code commission has followed one general rule, namely: wherever possible, subject-matter should be placed after the official body administering the law. Thus, the laws relating to bees and nursery stock are found under "Agricultural College" in Title X because the State apiarist and State entomologist are members of its faculty; and the State bacteriological laboratory, the psychopathic hospital, and the children's hospital belong under "State University" in the same title instead of in Title VI on public health. The soldiers' orphans' home and the juvenile home, however, are managed by the Board of Control and would appear to belong more properly in Title IX on "Charitable, Correctional and Penal Institutions" than in the title on "Education".

After devising a scheme for the classification of the subject-matter of the *Compiled Code,* it was not always possible for the commission to carry out the scheme, especially when two possible arrangements presented themselves. Some might argue that if the last eight titles were to be reserved for the courts and their procedure, mayors' and police courts might have been given a place in the title devoted to the justice of the peace court, whereas they constitute a chapter in the title on "City and Town Government" in the new compilation. Similarly, municipal courts might

have appeared in the same title; but now they are grouped in Title XXVIII on "Courts of Record of Original Jurisdiction".

The extent to which related subject-matter may be assembled is also well illustrated in the case of law dealing with taxation: general provisions are found in a separate title, including State tax levies, but sections of law which confer taxing authority upon local government agencies like cities and towns, counties, townships, school districts, and drainage districts have been allowed to stand in the titles covering those large subjects. If the extraction of tax law wherever it occurs in such places had been undertaken, important parts of the law would have been separated from their context and orderly arrangement might have been seriously disrupted.[27]

That there was a limit to the plan of allocating branches of the law to separate titles is proved by the difficulties encountered by the commission when it made an attempt to collect the criminal law. County attorneys and judges will discover that Title XXXIII is not all-inclusive so far as this big subject is concerned. When it is realized that very many chapters of the *Compiled Code,* such as those on railroads, warehousemen, bills of lading, and the new housing law, somewhere contain provisions penalizing persons guilty of the violation of "any of the foregoing provisions" or "the provisions of this chapter", it must be clear that these chapters would have been dismembered if the criminal features had been extracted and relegated to a single title somewhere else.[28] Of course, a title embracing the State's entire penal code would have been desirable; but to accomplish that is the work of codification, not of simple

[27] The index to the *Compiled Code* combines references to all phases of such subjects under appropriate index headings.

[28] See Mr. Mabry's remarks in *Proceedings of the Iowa State Bar Association,* 1919, p. 30.

compilation, and would require long, laborious consideration of all those penal sections of the law which incorporate by mere reference hundreds of other sections which are not penal. Under the circumstances, however, there is one place in the *Compiled Code* where one may be expected to go for an indication of all criminal offences and that is the index under "Criminal Law" with eleven pages of references. It should be noted in passing that the new title on criminal law with its sixty-three chapters, each devoted to a separate offence or class of offences and some only a section or two in length, represents a simpler and better classification than the old title of the *Code of 1897* with fifteen chapters under such general, nondescript headings as "Offenses against property" and "Offenses against public policy". Moreover, in a few instances where sections seemed to embrace too much (particularly in Titles XXXIII and XXXIV), the commission has seen fit to split them into appropriate sections of moderate length without, of course, affecting the meaning. A good example of this is the flag desecration law: one section (a solid page and a half) seventy-one lines long is now converted into five sections.[29]

One part of the *Compiled Code* will be hailed by the hundreds of local officials in the State and that is Title XIII on city and town government — the most voluminous title in the book. So far as the process of compilation permitted, it makes a satisfactory municipal code. It is worthy of note that the last chapter is in fact the first step in the direction of codifying the law relating to cities under special charters. In the *Code of 1897* and its supplements, besides a chapter on this subject, there are scattered sections conferring powers upon cities and towns "including cities under special charters". The commission has every-

[29] *Compiled Code*, Secs. 8837–8841. Sections 1978–1984 were formerly 2727-a96. See also sections 8953–8959.

where removed the words quoted, and out of them in every case has constructed a short new section for the chapter dealing with such cities. A typical instance of this method of handling the law may be indicated here. A section[30] of the old law reads as follows:

> That there is hereby created and established a board of police and fire commissioners in cities with a population of eight thousand or more in cities having a paid fire department and cities under special charters, which, according to any state or national census heretofore or hereafter taken, are shown to have a population of more than twenty thousand.

In the *Compiled Code* this section[31] is made to read without the first word and the words "and cities under special charters", but the omission is accounted for in section 4307 which declares: "Chapter five of this title is applicable to cities acting under special charters". The effect of the law remains the same, but the form has changed: whereas all the law on the subject appears in one section of the old code, now it appears in the new compilation in two sections widely separated. Omitting the same words from numerous other sections of the old law and constructing new sections for insertion in chapter 41 on special charter cities has resulted in the assembling of all the law applicable to these cities.

If the uninitiated user of the *Compiled Code* happens to know what the commission has done in chapter 41 of Title XIII, he will use it as a handy codification of the law on the subject; otherwise he may get into difficulty. Suppose he should turn to the chapter on "Municipal Court" to see if such a tribunal may be established in special charter cities: on consulting section 6840 (Title XXVIII, Chapter 1), he will conclude that they may not, although section 4325 pro-

[30] *Supplement of 1913*, Sec. 679-a; *Laws of Iowa*, 1917, Ch. 195, Sec. 1.

[31] *Compiled Code*, Sec. 3563.

vides that "Chapter one of title twenty-eight is applicable to cities acting under special charters." The user might argue, therefore, that the effect of a great many sections which formerly included certain words to show what cities were affected are now misleading because those words have been omitted without informing the reader of that fact: he can illustrate his point by showing that chapters 11, 14, 17, 19, 20, 21, 25, 28, 35, 37, and 38 of Title XIII contain no reference whatever to special charter cities although all are applicable, chapter 41 incorporating them by reference in every case. This criticism is not really fatal because the index, through which such information is usually obtained, will cite the user to the law, and also because the people who are most concerned are the inhabitants of Wapello, Glenwood, Muscatine, and Davenport — the only cities in the State to which chapter 41 is applicable.[32]

To estimate the value of the *Compiled Code* it is necessary to consider the purposes which it has served and will serve. First of all, this compilation placed before the code commission the whole body of the statute law in its present form — with all its repetitions, ambiguities, inconsistencies, and other imperfections. It thus afforded the commission an easier approach to the more important and difficult problem of converting the confused, chaotic body of the law into an harmonious whole. The *Compiled Code* is, therefore, the first and indispensable step toward providing the State of Iowa with an up to date code — it was employed by the commission as the basis or ground work in the formulation of bills to be considered by the General Assembly for the improvement of the law.

In the second place, of the 2500 copies of the *Compiled Code* issued at an expense of about $35,000, enough have

[32] The people of Dubuque not long ago voted to abandon their special charter in favor of the city manager plan of government.

been distributed free of charge to supply members of the General Assembly, members of the code commission, judges of the supreme, district, superior and municipal courts, all State officials, the State Library, and the libraries at Iowa City; and at a price of $3.00 per copy the compilation has also been placed in the hands of persons who have ordered it. These and other possible users are enabled to find within the covers of a single book such matters as are otherwise embraced in five books: State statutes, formerly badly scattered and heaped on top of one another, have now been printed in one volume wherein related provisions are brought together and all the law appears in logical order. Lawyers and judges especially will appreciate the great value of such a work. But most important of all, when the General Assembly undertakes the consideration of the code commission's 253 proposed bills amending, revising, and codifying certain portions of the law of Iowa, the *Compiled Code* containing the law as it is will enable the members to grasp more quickly the nature of those proposals. It will be used for purposes of comparison by the members and committees of the legislature and thus result, it is hoped, in speeding up the business of the session — a saving of time, therefore, the value of which can not be calculated in dollars and cents. If the General Assembly acts favorably upon the commission's report and existing law is modified by alterations and additions, the publication of a new permanent code will be necessary at once and the *Compiled Code* will then become a book chiefly of historic interest. If the General Assembly believes that code revision is a job too big for a regular session at a time when certain large general needs and problems of the State are demanding solution, the *Compiled Code* will serve some of the purposes of a permanent code until the work of revision and codification is accomplished. In any event the *Compiled Code* will

be scarcely more than a makeshift devised for the temporary convenience of those who want a handy compendium of the law.

INDEX TO THE COMPILED CODE

Impressed by the importance of making the contents of the new compilation of the laws readily accessible, and especially responsive to the complaints and suggestions of lawyers in the State, the code commission took up correspondence with law book publishers and asked not only for criticisms of existing Iowa code indexes but also for the suggestions and advice of experts as to a new one. Upon being told, among other things, that the ideal indexer is not easy to find because his work calls for much "ox-like patience and, when well done, makes a heavy drain on the nerves," after inquiry and consideration of the necessary qualifications of an indexer, the commission employed J. Van der Zee of Iowa City.[33]

Immediately after his appointment on the 9th of April, the indexer made a study of the indexes of important law publications and particularly those in the more recent Iowa code volumes with which the people are most familiar. The knowledge of defects detected there was expected to be invaluable in the preparation of a superior code index in the future. Altogether about one month was consumed in the examination of the work of predecessors in the field; and although this investment of time resulted in a fairly clear notion of the main principles on which the index to the *Compiled Code* should be constructed, the real problems involved in indexing became apparent only after actual work commenced: a sample index of several chapters submitted to the code commission for inspection convinced the indexer

[33] The commission's indexer had acquired considerable experience indexing the *Proceedings of the Iowa State Bar Association*, the *Iowa Law Bulletin*, and publications of the State Historical Society of Iowa.

that "the tedious and sublunary task" of grasping and holding the eel of legal science is more than ordinarily difficult. The General Assembly had given the commission only one direction in regard to the compilation of an index: the principal words in each section of the code should be indexed alphabetically by giving "the number of section, chapter or title as best adapted to find a section sought without again referring to the index."[34] The policy followed with regard to the profuse employment of cross-references in the index of 1915, the "snake-chasing-its-tail" or "ring-'round-a-rosy" index, was doubtless aimed at in this provision.

The *Compiled Code* index of 293 pages — nearly two hundred pages shorter than that of 1915 — gives effect to the reasonable intent of the General Assembly. Law which may be looked for under synonymous heads can be found referred to in the index without extensive duplication of index contents. Where a subject has been completely indexed under one word and the law is briefly referred to under another word covering the same subject, the reader consulting the latter head is satisfied to find a general reference — otherwise a parenthetical note advises him to turn to the former "for a more detailed index". If this device had not been employed, the index might be as voluminous as the law itself. Nevertheless, the possibility of using more synonyms was by no means exhausted.

The index has been prepared with the view of meeting the needs of particular groups of people affected by the law, namely: thousands of public officials, comparatively fewer practitioners of law, and a considerable number of laymen engaged in business, trade, and the professions. Whether the index will adequately serve these classes only time and constant use can demonstrate. The compiler has

[34] *Laws of Iowa*, 1919, Ch. 50, Sec. 4.

aimed to achieve a standard that calls for simplification of arrangement, readiness of reference, and completeness of detail. Space forbids a discussion of whether these primary requirements have been met. It suffices to say here that those who have had occasion to run down particular points of law in the new compilation must have noticed the difference between its index and the one to which they have tried to accustom themselves during the past five years. Lawyers and judges especially will find themselves under the necessity of revising somewhat their procedure in the search for provisions of Iowa statute law. A short preface to the index, explaining clearly its plan of construction, would not have been out of place: it would have served as a guide or key to the method of using the index.[35]

Perfection need hardly be looked for in an index of such size — errors and omissions will undoubtedly be discovered and it would not be at all surprising if its content and structure should be subjected to sharp criticism many times. Nevertheless, every critic of the index and the *Compiled Code* can well afford to be indulgent when he realizes that most of their shortcomings are due to the rush which attended the work of compilation at every step.[36]

THE REPORT OF THE CODE COMMISSION

After devoting approximately four months to the work of compiling the laws of the State, the commission had not quite a half year left for codification, amendment, and revision. Thoroughly convinced that the time would be all too short to permit a complete survey of the laws, the commission almost immediately after its organization in March

[35] Such a guide can be found in Scott and Beaman's *Index Analysis of the Federal Statutes,* prepared for the United States government.

[36] A more detailed discussion of the making of the index of the *Compiled Code* is given in an article entitled *Indexing the Compiled Code,* by Jacob Van der Zee, in the present number of the JOURNAL.

sent out an urgent call for help. When it is realized that the *Compiled Code* prepared by the commission contains the *Code of 1897* (which itself is very largely only a compilation) and all legislation subsequently enacted, it is not difficult to understand the condition of existing law: it teems with conflicts, repetitions, and ambiguities, and abounds in passages characterized by doubt, confusion, and verbosity. It is not surprising, therefore, that the code commissioners found themselves confronted by an overwhelming task. Recognizing their own limitations under the circumstances and desiring to make the new permanent code "the result, as nearly as may be, of the united efforts of the people of the State",[37] they summoned to their assistance all those persons and interests who were in a position to volunteer specific amendments and revisions of the law. Accordingly, fully 12,000 form letters or questionnaires asking suggestions for the improvement of the statute law were addressed to State officers, boards, and commissions; judges of all courts of record; county officers and boards of supervisors; educational institutions and experts; bankers; business and professional men; manufacturers, and chambers of commerce; farm, dairy, and stock associations; and practising lawyers.

The appeal to these sources for active coöperation in producing as creditable a codification as was possible in the limited time allotted brought a large volume of correspondence. By the middle of May the commissioners had received not only general suggestions as to necessary or

[37] In referring to this feature Mr. Trewin declared: "We have adopted a method in regard to code revision which, so far as we know, has never been undertaken before. Rather than proceed in our supposed wisdom and possible self-sufficiency, we called upon the Bench and Bar and the people of Iowa to help. These laws do not belong to the Commission and to the General Assembly; they belong to all the people of Iowa, and they are all entitled to be heard".— *Proceedings of the Iowa State Bar Association*, 1919, p. 25. See also pp. 32 and 34.

desirable changes in the laws but also the more valuable sort of information that was specially invited, namely: specific references to defects, inconsistencies, conflicts, and errors in the laws, and specific amendments to sections or substitutes for sections. But the request to re-write sections of the law which could be condensed by eliminating mere verbiage without change of meaning generally went unheeded. Thus, a huge collection of useful suggestions based on the experience and judgment of many men awaited the attention and study of the commission when it was ready to undertake to introduce order into the chaos embodied in the *Compiled Code.*

In attacking the problems involved at this stage of their labors the commission decided upon a policy that would guarantee the most efficiency and conserve the most time. The titles which each commissioner and his assistant had put into shape for the *Compiled Code* were also assigned to them for the more difficult and tedious process of polishing up. It seemed clear at the outset, however, that it would be futile to attempt to examine under the microscope each of the 9589 sections of the compilation; and so the commission undertook, first, to codify only those parts of the compilation which were best adapted to restatement in orderly, clear, concise, and simple language; secondly, to cure the more patent defects of form wherever amendments to that effect could be accepted by the legislature without serious question; thirdly, to amend the substance of many sections which deserved modification without proposing very sweeping or radical changes or provoking controversial matters in the General Assembly; and fourthly, to recommend a small but indispensable amount of new legislation in order to make existing law harmonious. To carry out this program was felt to be preferable to the alternative plan of selecting various complicated, involved and contradictory

passages in the law and informing the General Assembly that they were in bad shape and needed attention.[38] Thus, the commission believed it would be of no value to tell the legislature that the present drainage laws should be repealed and a new statute enacted — something that everybody has known for twenty years. To be of real service to the State in such cases the commission decided to formulate and present concrete proposals in the form of bills to remedy undesirable conditions in the law, thus giving the legislature something tangible to act upon.

With regard to the mechanics of statute revision and codification the commission followed one general plan. Each member worked over the chapters or titles assigned to him, amending and redrafting sections wherever he thought necessary or codifying related subject-matter. The tentative bill which emerged from his individual efforts was then mailed to his colleagues to be carefully scrutinized and criticised in writing or even restated by them and returned to him for further consideration. Before his bill was reduced to final form, it was gone over again and subjected to the combined intelligence and judgment of all the commissioners meeting in joint session.[39] Thus, very frequently the commissioners indulged in ruthless criticism of each others' bills before reaching unanimous agreements on the form and contents of the final drafts.[40]

The evolution of the proposed bill relating to drainage admirably illustrates the course of the commission in tight places. Mr. Mabry who had charge of this extremely troublesome subject began the work of revision as early as

[38] *Report of Code Commission*, 1919, p. 1.

[39] The minutes of sessions of the commission are preserved in a book kept by the Supreme Court Reporter, Mr. Whitney.

[40] The manuscript copies of the bills which went through the commission's mill in the way here described are still in possession of the individual commissioners. They show an enormous amount of editing.

the middle of April by holding conferences with drainage lawyers, judges who had wide experience with drainage litigation, and others who were vitally interested in clearing the legal jungle now existing. Later, when a tentative bill had been formulated after a very full discussion by the entire commission, Mr. Mabry arranged another conference of the leading authorities on the subject together with five members of the General Assembly and submitted the measure to them at Fort Dodge for suggestions. Still later, the bill was not regarded as a finished product until its engineering provisions had been referred for thorough weighing by an expert, W. G. Raymond, dean of the College of Applied Science of the University of Iowa. The drainage bill was thus threshed out and rewritten several times: altogether Mr. Mabry in collaboration with the other commissioners spent nearly two months on this body of law.[41]

In many respects the laws relating to State and local administration also underwent a vast amount of the same patient toiling. Conferences and discussions with administrative officials such as mine inspectors, the labor commissioner, the industrial commissioner, the fish and game wardens, railroad commissioners, the highway commission, the dairy and food commission, the board of public health, and the pharmacy commission proved invaluable whenever tangles in the law had to be unraveled. In re-drafting the mining laws coal operators and the legal department of the United Mine Workers were also consulted, and the final draft of the bill submitted to them seemed to meet the approval of all concerned. Repeated conferences with the industrial commissioner, labor union officials, and large employers of labor resulted in a favorable re-draft of the workmen's compensation law. The same may be said of

[41] This explanation of Mr. Mabry's procedure is taken from a letter to the writer.

the bills dealing with the safety appliance and child labor laws. In the hope of reducing the tax laws to some sort of system Professor Brindley wrote for the suggestions of county auditors and treasurers and met them for a conference at Muscatine. Mr. Trewin enlisted the interest and support of the State Teachers' Association, county superintendents, the heads of State educational institutions, and the chairmen of legislative committees, and from a conference at Cedar Rapids obtained very useful information with reference to the school laws. At a State convention of building and loan association representatives an important amendment to the law was agreed upon. Most of the twenty-eight recommendations of the State association of county attorneys were adopted. The commissioners also took advantage of an opportunity in June, 1919, to infect the State bar association with enthusiasm for code revision.[42] Moreover, the League of Iowa Municipalities was requested to voice its opinions and did some excellent work in connection with the codification of the law of municipal corporations, although no radical changes were recommended. The representatives of various insurance companies also met to consider amendments to the insurance laws.[43] Thus, at every step, the code commission sought and availed itself of the advice of those who were interested in and directly affected by certain portions of the law and always aimed to give them an adequate and reasonable understanding of the bills proposed in its report.

The bills eventually prepared by the commission, 253 in number, were separately printed, one thousand copies of each were made, and as fast as they came from the press they were forwarded to members of the General Assembly who expected to be called into extra session some time after

[42] *Proceedings of the Iowa State Bar Association*, 1919, pp. 23–34.

[43] These facts were gathered from the correspondence of the commission.

New Year's day, 1920: any preliminary study that legislators might devote to bills would help to advance matters when final action should be taken by legislative committees and by each house as a whole. Later, when all the bills had been separately printed, they were bound together in a volume of 2050 pages entitled *Report of the Code Commission,* thus making a permanent record of the commission's proposals for the improvement of the statutory law of Iowa.

Each bill as drawn and submitted for passage by the General Assembly conforms to the same general plan. Taking the first bill as an example, the following features are to be noted: at the top are the words "Code Commissioners' Bill No. 1", and below that, the subject: "Form of Bills". Then come certain blanks to be filled to indicate the number of the bill either as a Senate or a House file, the name of the introducer, the name of the committee to which the bill is referred, and the date. On a separate line appear the words "A Bill For", then the legislative title, next the enacting clause, and lastly the enactment itself introduced by the words "That sections forty-two (42) and forty-three (43) of the compiled code of Iowa are amended, revised and codified to read as follows".

These formal features, common to all the bills, aim to facilitate the handling of the code commission's proposals in the legislature. Furthermore, at the bottom of each section of a bill stands a bracketed reference note to indicate whether the section codifies or revises the language of some particular section or sections of the *Compiled Code* or presents a wholly new provision, thus enabling the General Assembly to see at a glance what the code commission proposes to have done to existing law. Where these references show that changes in the law or new law are suggested, specific reasons for such proposals are not set out because the commission believed that the reasons would be ap-

parent on comparing the bills with corresponding portions of the *Compiled Code*.[44] There is one more advantage in the way in which the commission's bills are drawn: when the General Assembly has acted upon them, the Code Editor will have no difficulty fitting the new laws into their proper places for the purpose of making a well arranged permanent code for the State.[45]

BILLS OF THE CODE COMMISSION

Measures prepared for enactment by the legislature may be weighed and criticised both as to form and substance. The writer has neither the time nor the inclination to take up each of the 253 bills comprising the code commissioners' report and thus attempt to anticipate or help to decide the results of the deliberations of committees of the General Assembly. Do these bills conform to the best standards of draftsmanship? Do their contents represent the fruit of the highest wisdom and the ripest experience? These are the questions which legislators must thresh out in the committee room and upon the floors of both houses when the proper time comes. To undertake at this point a discussion or scientific analysis of the bills drafted by the commission as its contribution to the end that Iowa statute law may be put in better shape is neither feasible nor necessary: the writer would be engaged on an endless task if he should try to do more than give a general idea of the nature of the commission's proposals to codify, amend, and revise somewhat more than one-third of the sections of the *Compiled Code*.

From the standpoint of the bill drafter and the codifier it will be found that certain bills achieve a higher degree of

[44] *Report of the Code Commission*, 1919, p. 1.

[45] A brief commendation of the work of the code commission can be found in the *American Law Review* for July-August, 1920, pp. 638, 639.

excellence than others. Those, for example, which deal with primary elections (Bill No. 21), the conduct of elections (Bill No. 25), public health (Bill No. 63), the food and drug department (Bill No. 64), charitable, correctional and penal institutions (Bill No. 84), and drainage (Bill No. 185) show that existing law on such subjects has undergone a great amount of study and touching up. The same may be said for the self-criminating and self-disgracing testimony bill[46] and the bills relating to education and municipal corporations. A model for draftsmen and codemakers is the uniform limited partnership act (Bill No. 74) but it is not the work of the code commission at all. Like the uniform laws on conditional and fraudulent sales which are also recommended, it is typical of the best work done in the United States in the field of codification and drafting. The commission's bills prove the truth of the well-known rule that the longer a measure is polished the better the final product.

It has been rumored that the commission's bills invite the General Assembly to make a large number of changes in substantive or lawyer's law, thereby upsetting court interpretations that have freed many statutes from doubt; but the commission has denied any intention to disturb or touch well settled law of that kind. It does, however, advise a great many changes in administrative law and the procedure thereunder for the purpose of clarification and better protecting the public interest. Of the total number of nearly 5000 sections which make up the 253 bills, two-thirds constitute a restatement of the law in different form; just a few in excess of 1200 modify existing law; and 500 are labeled "new". A glance at the titles reveals the fact that scarcely more than a score of very short bills concern mat-

[46] For an excellent discussion of this bill see D. O. McGovney's article in *Iowa Law Bulletin*, Vol. V, pp. 175–199.

ters once found in the domain of the Common Law and that all the others affect the body of administrative law, that is, those statutes which lay down the powers and duties of public officials and government regulations of private and corporate affairs. A closer view of the contents of these "administrative" bills shows that the commission's re-drafts of laws or parts of laws do not in the main call for changes in substance but rather for changes in form and for more logical arrangement: the commission has divided long sections so as to make each proposed section treat of but one subject or a single phase of a subject; it has pruned away a great deal of surplus and redundant language; and it has tried to make the law speak in the simplest and most concise English.

By far the largest proportion of the 1200 modifying sections and the 500 new sections of the proposed bills are "administrative" in character. Thus, of bill number 12 nearly one-half of the sections modify existing law on public printing and binding, the State board of printing, and the document editor. A similar modification of the existing law is effected by nearly one-third of the sections of bill number 54 on fish and game; by 149 out of 355 sections of bill number 63 on public health; by 48 of the 223 sections on the food and drug department; by 39 of the 99 on animal industry; by 22 of the 58 on estrays and trespassing animals; by 86 out of 519 sections of bill number 84 on charitable, correctional, and penal institutions; by one-third or more of the sections of bills on the board of educational examiners, the county superintendent, school districts, school meetings and boards of directors, compulsory education, municipal street improvements and sewers, and special charter cities; and by 15 of the 30 sections dealing with taxation and 10 of the 11 relating to the collateral inheritance tax. The complete re-draft of the State's drain-

age laws (Bill No. 185), a composite bill made from the two statutes which have given rise to endless litigation and expense, greatly hampering legitimate drainage projects and at the same time fostering some that were not meritorious, requires modifications of existing law in 47 out of the 257 sections. The bills relating to water power improvements, eminent domain, the board of railroad commissioners, the construction and operation of railways, electric wires and transmission lines, interurban railways, certain special liens, and municipal courts — all call for a considerable number of changes. The last thirty-five short bills dealing chiefly with civil and criminal procedure in the courts,[47] probate matters, and State police contain many very important modifications of and additions to the law.

In concluding this cursory review of the commissioners' bills some mention should be made of those which contain the largest sprinkling of sections designated "new". Particular attention is called to the first bill in the report; the earliest consideration by the General Assembly is asked for it because it sets forth the procedure which the legislature should follow in taking up the bills of the commission.[48] Six of the eleven sections propose new law, a natural outgrowth of the work of the commission, and merely direct the legislature with regard to the formal features of bills to amend, revise, and codify the laws. Section 7 is especially noteworthy because it relates to bill-drafting and aims at one evil of statute law-making: it requires that sections of bills, where practicable, shall not exceed sixteen

[47] A very good discussion of some of these proposals may be found in *Proceedings of the Iowa State Bar Association*, 1920, pp. 89–135. The Bar Association spent one afternoon considering the report of its committee on law reform relative to court rules for conciliation, pleadings in equity actions, depositions, instructions to jurors, estates of decedents, security for witnesses in criminal proceedings, and three proposals by the National Conference of Commissioners on Uniform Laws.

[48] See also *Iowa Law Bulletin*, Vol. V, pp. 3–5.

lines in length. Of similar import are the last three sections of the third bill providing for a new legislative "committee on bills" enumerating its duties as a means of preventing as far as possible the confusion into which Iowa codes have been thrown by subsequent haphazard legislation.

The bills which propose most of the additions to existing law relate to the following subjects: absent voters, workmen's compensation, the State fire marshal, the State board of health, the food and drug department, instruction in patriotism in the schools, the county attorney, drainage, water power improvement, eminent domain, stop signs at railway crossings, and certain special liens. Besides the uniform agricultural seeds law (Bill No. 64, Ch. 11), the uniform limited partnership act in 58 sections is recommended "to take the place of our archaic law on the subject." The code commission also pays a high compliment to the uniform laws on conditional sales and fraudulent sales, incorporates them in its report by reference, and urges the State legislature to adopt such codifications, because like the negotiable instruments law already on the statute book all these uniform laws represent years of work by the ablest lawyers of the country.[49] What effect the adoption of the uniform conditional sales act would have upon Iowa statutes and decisions is shown in an article by Professor H. C. Horack who was engaged by the code commission to make a thorough analysis.[50]

There is one bill in particular which has aroused more interest perhaps than any other because it provides a plan of reorganizing an important part of the State's administrative machinery by creating a new State board of health and investing it with all the rights, powers, and duties now

[49] *Report of the Code Commission*, 1919, p. 2.

[50] *Iowa Law Bulletin*, Vol. V, pp. 129–174.

granted to the State boards of health, medical examiners, dental examiners, and optometry examiners, State oil inspectors, and the pharmacy commission.[51] The abolition of the offices above enumerated and the construction of a real State board of health deprives the Governor of nearly thirty appointments and confers upon the new board supervision over the administration of the housing law. Accordingly, to make it clear that the code commission was moved not by personal considerations but by a desire to serve the public interest, the commissioners and their assistants have frequently appeared at conventions of those most concerned, until it is believed that all are convinced of the reasonableness of the reorganization proposed in the bill.

One other code commission measure that has received the commendation of those who are interested in the subject is the bill permitting judges of district and municipal courts to adopt and enforce rules for the settlement of certain controversies involving claims of $100 or less by conciliation and to appoint conciliators or themselves act as such. The bill, if enacted into law, will tremendously affect that large body of plain citizens who believe justice is too frequently denied to them and who can not afford to pay the expense of litigation in the form of lawyers' fees and court costs: under the proposed arrangement the parties to a dispute will be brought face to face without counsel in a private hearing where they can talk matters over and possibly reach a speedy settlement without resorting to the courts.[52]

EXTENSION OF THE TIME OF THE COMMISSION

In the midst of the important work of formulating bills for the report to the General Assembly, the first of January,

[51] See *Report of Code Commission*, 1919, Bill No. 63, Ch. 20.

[52] This bill has attracted the attention of writers in *The Journal of the*

1920, arrived — the day on or before which the report of the code commission was to be ready if the terms of the law were to be complied with. The commissioners, however, found it impossible to complete their labors within the allotted time.[53] Deeming it contrary to public policy and the best interests of the State to have the work stop, they determined to continue until they could perform all the duties prescribed. Since this decision necessitated the auditing and payment of salaries and other necessary expenses out of the State treasury and since the Executive Council — believing the code commission to be legally dead regardless of a contrary opinion rendered by Attorney-General Havner — doubted its authority to approve bills for expenses after the date fixed by law, the chairman of the commission instituted an action of mandamus against the Executive Council and the State's finance officers. This friendly suit or test case, begun in the District Court for Polk County on January 20th, was decided by Judge Lawrence De Graff in favor of the commission three days later, and on appeal to the Supreme Court was affirmed on January 26th. Immediately after the decision of the Supreme Court was filed the Executive Council ordered the payment of the bills covering legitimate code commission expenses. Although the court promised to file an appropriate opinion later, in its decision Chief Justice Ladd took occasion to emphasize the importance of having the commission's work completed without delay.[54]

A brief discussion of the arguments in the case may be

American Judicature Society, Vol. III, p. 153, and *Iowa Law Bulletin*, Vol. V, pp. 200–205, 249–252. See also the discussion in *Proceedings of the Iowa State Bar Association*, 1920.

[53] The code commission had warned the Executive Council in a communication on November 25, 1919, of the physical impossibility of completing its report by January 1, 1920. See also *Report of Code Commission*, 1919, p. 1.

[54] *The Des Moines Register*, January 27, 1920.

presented here lest the reasons for the court's decision be misunderstood. The defendants maintained that the legislature intended January 1st as the date of the dissolution of the code commission and that the language of the statute absolutely commanded the commission to cease work at that time even though the work was not completed. If, therefore, the date stipulated was mandatory, the defendants could not legally honor the commission's bills for expenses and therefore lacked authority to pay out State funds.[55] The plaintiff contended that the General Assembly's directions as to time were not of the essence of the statute's provisions prescribing the commission's duties; that it was a well settled principle of law "that even though mandatory words are used, no statute will be held to be mandatory when to do so is against public policy"; and that therefore the legislature's prime object was to secure the report of the commission as a basis for the amendment, revision, and codification of the laws although the time needed to complete the report should extend beyond the date fixed. The plaintiff cited two Iowa cases applicable to the point at issue and quoted the following words in favor of his contention:

> Provisions regulating the duties of public officers, and specifying the time for their performance, are in that regard generally directory. Though a statute directs a thing to be done at a particular time, it does not necessarily follow that it may not be done afterwards.[56]

Judge Cooley's statement of the rule is also quoted by the Iowa court with approval:

> Those directions which are not of the essence of the thing to be

[55] See Mr. Ramsay's statement in *The Des Moines Register*, January 10, 1920.

[56] Hubbell *v.* Polk County, 106 Iowa 618, at 621.

done, but which are given with a view merely to the proper, orderly, and prompt conduct of the business, and by the failure to obey which the rights of those interested will not be prejudiced, are not commonly to be regarded as mandatory; and if the act is performed, but not in the time or in the precise mode indicated, it will still be sufficient, if that which is done accomplishes the substantial purposes of the statute.[57]

The code commission submitted its report on February 20, 1920, and adjourned. Mr. Whitney as Supreme Court Reporter at once turned to the only remaining task imposed by chapter 50 of the laws of the Thirty-eighth General Assembly: the preparation of a book of annotations. He was authorized by the Executive Council to retain Mr. O. K. Patton, his assistant on the commission, as assistant annotator, and the Supreme Court issued an order giving him until July 1, 1920, to complete the work.[58]

REFUSAL OF THE GOVERNOR TO CALL AN EXTRA SESSION OF THE GENERAL ASSEMBLY

It will be recalled that the act creating the code commission contained a request urging the Governor to summon a special session of the General Assembly soon after January 1, 1920, so that the commission's bills might be examined and passed upon and the State's new code might be completed for publication during the year. Governor Harding on November 25, 1919, despatched a letter to members of the legislature announcing his decision not to call them together before March 15, 1920. On the same day the commission informed the Governor that its report would be ready on or about February 1st. Shortly after January 1st, when it was certain that the Governor opposed an early

[57] Hawkeye Lumber Co. *v.* Board of Review, 161 Iowa 504, at 508.

[58] A further extension of time has since been made, permitting the Supreme Court Reporter to continue the work of annotating until some date early in 1921.

session of the General Assembly, the chairman of the commission declared there was no reason why the legislature might not have entered upon a consideration of the bills already prepared while the commission was finishing the work upon bills still remaining.[59]

The interesting controversy which took place between the Governor and the commission is too long to be related in this connection, and it is after all only incidental. The public press took up the matter by publishing interviews[60] with the men principally involved, but the merits of this discussion do not concern us here.[61] Suffice it to say that under date of March 6, 1920, the Governor issued a seven-page printed letter as a final statement to the members of the Thirty-eighth General Assembly, recalling his recommendations in the past on the importance of code revision and setting forth the reason why the work could wait a little while longer. His conclusion is contained in the following quotation:

> The best thought of the hour is that in order to get back to nor-

[59] *The Des Moines Register*, January 7, 1920.

[60] For details the reader is referred to *The Des Moines Register*, especially the issues of January 7, 27, 28, February 9, 11, 23, 25, 27, 29, and March 8, 9, 1920.

[61] That the practically unanimous opinion of the General Assembly in March, 1919, in favor of a special session should have been thrust aside by the chief executive was believed by many to be an unfortunate event. The Governor, of course, only exercised his constitutional privilege. Had he called a special session in response to the wishes of the people's representatives, he could have pinned the responsibility on them although he might still have deemed a special session unwise. If the members of the General Assembly sincerely believed in the wisdom and necessity of an extra session and had suspected the Governor's intention to thwart their wishes, they could have made the consideration of code revision an absolute certainty by adjourning to meet again when the code commission's report was ready: such an adjournment in April, 1919, would have obviated the necessity of the Governor's calling an extra session, but it would not have entitled the individual legislator to any compensation in addition to that which he had been allowed by law for the regular session, namely, $1000.

mal conditions in the business world, we should eliminate unnecessary or avoidable expenditures. If my memory serves me correctly, it costs the State about $3000.00 a day each day the legislature is in session. If the State wants the individual citizen to practice rules of economy, it seems but proper that the State should set the example. . . .

From all of the above information, I have concluded that the work assigned to be performed under Chapter 50 was of such volume and is so delayed in its completion, that it will be impracticable to call a special session for the purpose of revising the Code and you are, therefore, notified that no session will be called for the purpose of revision. If a session was called as late as July 1st, it would be a physical impossibility to get the work completed and have the result of your effort printed in time for the next regularly convening legislature. I am satisfied in my own mind that a regular session can take up the work of revision with very little inconvenience and with very little more time than would ordinarily be required in a special session. I have taken occasion to go back through the Senate and House Journals and I find that during the first half of practically every session, running back for a period of years, there has been but about two hours of session each day. The report of the Commission is made in the form of bills. These will be on the desks of the members, so that in regular session, after the preliminaries of organization, there is no good reason why the legislature cannot meet from six to ten hours a day in the work of Code Revision. In such session, whatever of change in the way of new law or amendment is desired, can be proposed at the time and thus the work of the special session and regular session can be done in the limit of time usually occupied in the regular session and at a saving of about $300,000 to the state.

Thus the Thirty-ninth General Assembly when it assembles in January, 1921, will be confronted by the important and difficult problem of code revision.

THE FUTURE OF CODE REVISION

At this time one can only speculate on how the Thirty-ninth General Assembly will dispose of the problem of code revision. If it believes that the time of a regular session

affords insufficient opportunity for business of such far-reaching importance, it may proceed with the business of legislation as usual and leave the work of codification and revision to an extra session in the autumn of 1921 or the early months of 1922.

On the other hand, should the legislature seriously consider undertaking the work at the regular session in 1921 two things ought to be unmistakably clear: first, the members should proceed at once to the business of the session, consuming only such time as is absolutely necessary to the efficient organization of the houses; and, second, in the matter of code revision the schedule of bills offered in the code commission's report should be closely adhered to, since it contains enough to keep the members busy during the whole session. The number of new or additional measures proposed by the members should be reduced to a minimum. To conserve time at the beginning of the session, the code commission bills should be referred to the committees of both houses for immediate attention; and the new bills providing for State revenue and appropriations for the coming biennium should be disposed of as quickly as possible. Furthermore, it is clear that to act upon some of the code commission's proposals and ignore others would be unfortunate since some of the bills are interrelated, that is, so drawn as to avoid needless repetition and to coördinate the various parts of the code into a series of harmonious sections, chapters, and titles.

In the consideration of the problem which will confront the Thirty-ninth General Assembly some helpful lessons can be drawn from the unsuccessful effort of the Twenty-sixth General Assembly in 1896 to accomplish the task of code revision.[62] At that time, after both houses and their committees had shown great diligence throughout the entire

[62] For a detailed account of the proceedings connected with the creation of

session, it became apparent that the regular legislative business and code revision could not be completed together by the date set and so the work on the code proposed by the commission was abandoned shortly before adjournment. The reasons for discontinuing the examination and discussion of the code commission's report were fully stated: first, the legislature had been compelled to consider 950 bills in addition to the proposed code; second, code revision had required the slow and laborious comparison of the proposed code with the *Code of 1873* and the acts of eleven General Assemblies; third, the code commission had recommended numerous changes in existing law and doubts had arisen as to the accuracy of certain parts of the report; and fourth, copies of the proposed code had been published and distributed only a short while before the General Assembly was called to consider it. Under the circumstances the legislators could not swallow the complicated revision proposed by the code commission along with 950 other measures: on the contrary, the General Assembly believed that in such a contingency haste should be made slowly. Accordingly, at a special session in 1897 lasting about 114 days, the Twenty-sixth General Assembly took action which was generally designed to restore as nearly as possible the words of the old laws, although much new legislation was also enacted, producing in the end the *Code of 1897*.

the *Code of 1897* see THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XI, pp. 379, 385, 386, 405.

The experience of the Fourteenth General Assembly in dealing with the problem of revision and codification was not unlike that of the Twenty-ninth General Assembly. At its regular session in 1872 it was confronted with the task of considering the report of a code commission. After many unsuccessful attempts to seriously consider and dispose of the business of revision and codification the Fourteenth General Assembly finally resolved to meet in adjourned session in January, 1873. The product of its labors in this adjourned session was the *Code of 1873*.— For a complete account of the compilation and adoption of the *Code of 1873* see Powell's *The Code of 1873* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XI, pp. 166–221.

The Thirty-ninth General Assembly will not be confronted by the second and fourth obstacles which faced the Twenty-sixth General Assembly because existing law is now collected in the *Compiled Code* and the proposed revision and codification will have been accessible to members of the legislature for many months before they assume their seats. Furthermore, much could be done to eliminate the first obstacle, provided the legislature is able to limit the number of bills arising in the houses themselves. There would remain, then, the work of examining the code commission's 253 bills affecting some 3600 of the 9587 sections of existing law. Where the reasons for any proposed revision or codification are not clear on the face of a comparison with existing law, the code commissioners might well be called upon to appear in person and to supply the legislative committees with the explanation of the changes recommended.

Of the work accomplished by the code commission the report consisting of 253 bills is of paramount importance: it puts before the General Assembly in a concrete way the matters which in the opinion of the commission deserve most to be considered at the present time. Surely it is not unreasonable to believe that the time has arrived when the legislature should take an inventory of the stock of legislation now on the Iowa statute books, evaluate every single portion, and on the basis of the code commission's suggestions or those of any other competent authority improve or even expand such law as we have in order that the whole may be reduced to the best possible form.

There can be little doubt that the State at this time needs some legislation not recommended by the code commission: its report of 253 bills represents the efforts of a few men laboring over a period of about eight months; and therefore neither finality nor perfection need be looked for in the

improvements which they propose, but they have at least made a substantial beginning of codification and revision, they have blazed the trail which the legislature can afford to follow and perfect with satisfactory results to the people of the State. The code commission does not offer for the legislature's consideration the work of a life time — on the contrary it offers only such measures as go to the root of the worst portions of the law.

Years could well be spent if a complete and thorough codification and revision were to be accomplished in Iowa. This is simply another way of saying that it is unwise for the legislature to assign work of such magnitude to a few men and then crack the whip over their heads to make them hurry when the nature of the work does not admit of speed. Only those who have been initiated into the mysteries, dangers, and difficulties of law revision and codification can know what a time-consuming occupation it really is — only actual experience with the problems involved is needed to prove that it is not a simple process of walking the floor and dictating something to a stenographer: it is rather the slow, deliberate, and concentrated study of the details of the law and its effects in daily life coupled with an ability to express its provisions clearly and logically in the fewest possible words. The Iowa code commission did what it could under severe limitations and was enthusiastic to do more.

It should be added that when the General Assembly meets to supply the finishing touches to their work, members of the commission promise to file a supplementary report containing the suggestions of individuals and organizations not only relative to the bills already formulated but also to many sections of the law not affected in the commission's main report. The chairman of the commission personally has been investigating "Blue Sky" laws for the purpose of

submitting a bill that will aim to protect the people of Iowa against fraud and deception.

THE FUTURE OF IOWA CODE VOLUMES

Whether the Thirty-ninth General Assembly adopts the *Compiled Code* with the new section numbering as the State's official permanent code without acting upon the modifications recommended by the commission, or whether it subjects the *Compiled Code* to the revision and codification proposed by the commission and perhaps by individual legislators as well and thus provides the State with a permanent code whose section numbers will necessarily differ from those of the *Compiled Code,* one naturally raises the inquiry as to how long the new code volume will remain permanent. It is plain that as soon and as fast as the legislature turns out new legislation the adopted code volume will not contain all the State's law. How is it possible to avoid the dismay and confusion and expense to which the State has been repeatedly put in the past? Are those who frequently consult the law doomed to submit to the periodic recurrent trouble and expense of codification and revision, or can a plan be devised whereby every outpouring of fresh statutes can be fitted into the existing code volume and their contents noted in its index? To regular users the code becomes a faithful and constant companion — the lawyer at any rate dogears his book and thoroughly dislikes to part company with it when supplanted by a new one.

There are at least five ways of caring for the biennial output of new statutes after all old law has once been collected in a single volume. They can be issued in a separate book for each session, every statute to be given its own chapter number and the index to be modeled after that of the code. To obviate the necessity of consulting several

of these books after lapse of time the statutes in them might be assembled every four or six years in code supplements such as were compiled in Iowa on three different occasions since 1897, all titles and chapters to be arranged in the same order as in the code and sections of the law to be distributed among them and numbered to correspond to those in the code. The scope of the index to the supplement should also match that of the code. A third method of making new legislation accessible is to fit it into a cumulative supplement to the code. Given a trial in 1915 but discontinued in 1917, this plan requires a new supplement and a new index to be prepared and published after every session of the General Assembly. A fourth scheme contemplates the publication of a new code volume every two years, thus aiming to keep all the law together in one book. Finally, it has been suggested that the expense of carrying out the last three plans might be avoided by devising some sort of loose leaf system of publishing the code and subsequent session laws, although the index would have to be revised and republished every two years.

Space need not be taken here to discuss the advantages and drawbacks of the various devices above enumerated — each presents difficulties even to the superficial observer. Suffice it to state, however, that no matter which of the five plans is followed not one is capable of doing away with the need of a thorough clean-up of the State's store-house of law by periodic codification, revision, and consolidation. So long as the General Assembly of the State continues to turn out a more or less haphazard grist of new laws and amendments and repeals of old laws at every session, this process of periodically overhauling all the law can not be escaped — although the members of the General Assembly who introduce bills and the committees which consider bills can greatly improve matters in the future by having the

assistance of expert draftsmen who can tell the effect of proposed legislation upon existing law and vested rights and give advice on how to keep the law free from error, obscurity, contradiction, and confusion. More care bestowed upon the law in its embryonic stages is the only means so far discovered of guaranteeing the people against the misunderstandings and useless litigation so frequently caused by hasty and ill-considered legislation. Any code of laws, no matter how near-perfect, is easily reduced to a veritable chaos by heaping new statutes upon it, unless those statutes have been comprehensively studied as bills and carefully drafted so as not to produce undesired effects upon existing law and the life of the people.

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INDEXING THE COMPILED CODE

[To Mr. J. Van der Zee, an experienced indexer, the important and difficult task of preparing an adequate index to the *Compiled Code* was intrusted by the Iowa code commission. A brief statement of his work for the commission is included in *A Review of the Work of the Iowa Code Commission* which appears in this number of the IOWA JOURNAL OF HISTORY AND POLITICS. In the following pages he gives a fuller account of the *Indexing of the Compiled Code.* — Editor.]

There can be no doubt, indeed it is almost axiomatic, that a law book of any kind is only as good as its index, because the users of such a volume obtain their information mostly through the index; and if the law which they seek is indexed insufficiently or improperly or not indexed at all, it is practically lost to them and they condemn the book. The law in a code, therefore, is of much less value if it is not readily accessible; and if the usefulness of the whole code depends on that, the greatest care and the utmost consideration may well be devoted to the compilation of an index.

Simply stated, every indexer's goal should be the saving of the time and energy of people who come to consult his product. If no part of a book is to be thumbed and examined more than the index, the question always uppermost in the compiler's consciousness should be how he can best serve the purpose and convenience of readers. If an Iowa code index is to help the people of the State frequently during the period of its existence, it must be a time-saver, for time is money — the more quickly it can send consultants to the law they seek, the better it will conserve the patience, temper, and time of the people who are to be served. The main body of a law book may be the worst kind of jumble and be thrown into the utmost confusion but

if its index is properly prepared, the volume with all its imperfections will still be quite useful.

Convinced of the importance of having a good index for their compilation of the statute law of Iowa, the code commission at once took up correspondence with various law book publishers, asking not only for criticisms of existing Iowa code indexes but also for the suggestions and advice of experts as to a new one. Upon being told, among other things, that the ideal indexer is not easy to find because his work calls for "ox-like patience and, when well done, makes a heavy drain on the nerves," after inquiry and consideration of the necessary qualifications of an indexer, the commission employed the writer of this article. Immediately after his appointment, the indexer made a study of the indexes of important law publications and particularly those in the more recent Iowa code volumes because the knowledge of defects detected there was expected to be invaluable in the preparation of a superior index for the future. The following criticism, therefore, is intended to bring out the main principles on which the index to the *Compiled Code* was constructed.

The faults of the code indexes issued in Iowa during the past twenty-five years ought not to be perpetuated. In regard to the out-of-date index to the *Code of 1897,* the searcher for information is justified in saying that it was always most unsatisfactory because it was compiled to suit the convenience of the maker: he lightened his own task as much as possible and in so doing failed to enlighten those whom an index is supposed to aid. Under each index word or head, for instance, references to sections are presented in sequential order, that is, the same order as the sections and the pages of the code to which they refer. Such an index throws upon the user the burden of finding and grouping all references to related matters, and the effect of such

an arrangement is that the searcher must be prepared to read every reference under the index head which he consults in order to find the desired information. This would not be a serious fault if only a few references were placed under each index head, but where as frequently happens (as under "Cities" and "Taxation") the list of references is stretched out at great length, the user might just as well try to find a grain of wheat in a pile of chaff. The method of indexing followed in 1897 is now regarded as archaic and has been generally abandoned because it does not assemble related subject-matter. Indeed, the index of 1897 is nothing more than a sort of appendage to the code, included merely because it was customary to have an index and not because it was a key to the law.

A glance at the content of index lines in the *Code of 1897* reveals the greatest variety of wording. References most frequently begin with prepositions — a practice no longer regarded as either necessary or proper. Other lines end with prepositions and carry the reader back to the index head above, an arrangement which at least enables the user to make sense out of what he reads. The repeated use of prepositions at the end of lines in such a way, however, is monotonous, superfluous, and quite unnecessary to the attainment of simplicity and intelligibility of statement.

The index of 1897 contains numerous cross-references, both when they follow immediately after the index head and cite the reader to some other place and also when they appear in the list of references under an index head. It is hard to see how the copious employment of cross-references in any index can be dispensed with. In the first place, the consultant who wishes to find a point of law may look under any one of two or more index heads for his information. If he does not find it under the head to which he turns, he is told exactly by a cross-reference where to go and that

should be to the more familiar legal head. Obviously the same material need not be indexed under different index heads of the same meaning, or the index would be swelled to twice or three times its normal size. Compelling the searcher to look elsewhere in the index under not more than one other head is not unjustifiable, but to make him turn to two or more index heads with the expectation of obtaining desired information under each is just as provoking as it is indefensible. Again, if the practitioner wants the code sections which deal with security for costs and naturally consults "Costs", he is well directed by one of many references to see "Security for Costs" where related provisions are indexed. The important thing is that related propositions be bunched somewhere in the index, and cross-references may properly guide the consultant to that place. The index of 1897 does not always meet this test. For instance, under "Animals" several references are grouped beneath the subheads "Estrays" and "Dogs", but upon turning to the main index heads "Estrays" and "Dogs" we find the same references repeated and some others in addition. It is difficult to see the need of duplicating or repeating index contents in that way. It would have been sufficient and appropriate to give a section reference after the index head "Estrays" and also a cross-reference to "Animals". This criticism, however, is not a serious one and wholly beside the point if no limits are set to the length of the index. It is better that an indexer err on the side of profusion than on the side of meagerness or insufficiency: a law book is rarely criticised on the ground that its index is too complete.

Every section of the *Code of 1897* has been referred to in the index, but the index entries almost without exception state the conclusions of the sections indexed — in other words, the index is more in the nature of a prolonged table of contents. The index entries are usually long because

they are attempts at brief summaries of the propositions of law contained in the code. Index lines should be concise and need not state conclusions: it is enough if they direct one to the sections of the book where the propositions are discussed.

An examination of the index of 1897 also reveals that the analysis or general scheme of stating references under many heads is often too intricate with too many sub-divisions. Except perhaps in rare instances, a good readable index should have no more than one indentation. To avoid too much sub-division in the analysis of code matter under a single head the index might have been supplied with more numerous heads, each with as little matter under it as possible. This idea is to some extent well illustrated in many parts of the index: it contains twenty different heads beginning with the word "School", instead of placing the same material under the single head "Schools". All law that relates to cities and towns might be classified under that head, but the matter is distributed under very many heads, thus effecting greater simplification and convenience than the index prepared in 1915.

The foregoing criticism applies to the indexes of the code supplements of 1902 and 1907, which were based on the old index of 1897 for the reason that so many users had become more or less acquainted with it and innovation was not deemed advisable. The index of 472 pages issued in 1915 to cover the *Code of 1897* and its supplements represents an important departure from its Iowa predecessors: the compiler adhered closely to the general plan of the Minnesota code index. The index heads are printed in black face capitals and references are to section numbers only. Best of all, references appear in alphabetical order, the indexer having attempted generally to bring the most pertinent or suggestive word in the idea sought to be conveyed to the

beginning of each index line. Subordination of such lines to the index head is clearly indicated by a slight indentation, and the essential words are nearly always nouns, although this rule is frequently violated by making prepositions or adjectives the initial words of index lines. The searcher who comes upon such an arrangement without a definite idea of what he wants too often will not stop long enough to analyze the idea he seeks, and so he rapidly runs down the column of alphabetical references in the hope that his eyes may light on the matter sought. It is, nevertheless, the opinion of the writer that the index of 1915 is more satisfactory than the earlier ones.

The worst and most exasperating fault of the index of 1915 is the frequent resort, under index heads which cover the larger topics such as "Cities and Towns", first to an alphabetical arrangement of the lines, then below them to the insertion of bold-face sub-heads in alphabetical order, and under these again subordinate divisions indicated by small cap heads: this arrangement sprawled over sixty-three pages mystifies the searcher. Where division and sub-division are necessary, the same result could have been more effectively secured by means of simply one alphabetization with indentations, such as the indexer followed under "Supreme Court". The larger topical heads, moreover, such as "Schools", might also have been broken up and the references placed under many suitable heads as was done in earlier indexes. Another fault which makes a heavy tax on one's patience is that many index heads only partially cover the material desired and then by means of cross-references send the user to several other places. Turning, for instance, to "Stock" one obtains only three references, but cross-references tell the user to see several other index heads. To consult all these for information about "Stock" takes time and may be useless in the end. Cross-references

in such profusion are hard to justify. They can easily be put in their alphabetical places among the references under the index head either with citations or with directions to specific index heads and sub-heads.

Having discovered the main defects of the indexes which have recently served the people of Iowa as keys to their store-house of law, the indexer of the *Compiled Code* also studied similar work done for other States. In the desire to accomplish a satisfactory piece of work, he gave some thought to the possible utilization of the American Digest Classification Scheme, but concluded that the contents of the ordinary code of statute law differ so materially from the contents of a volume of court decisions, particularly in the fact that the former is predominantly administrative law and the latter almost wholly concerned with individual rights of person and property, that there is consequently a wide variance between the two lists of heads or titles suitable for indexing the matters usually contained in two such volumes of law.

This criticism may be offered of any code index compiled along the lines of the American Digest Classification Scheme: the user of the index would necessarily have to keep the explanation of the scheme itself before him or at least have it well enough in mind to be sure what he would find included or excluded under a particular head. That would be asking too much of thousands of users of the code who are not practitioners of law, and it may be questioned whether it is not even asking too much of the lawyer. Any index constructed upon such principles must lack readiness of reference unless the user is thoroughly acquainted with these principles. It is submitted that familiarity with the American Digest Classification Scheme can only be gained by considerable study, and it is doubtful whether many busy lawyers will go that far and, if they do, whether the

effects of the study will remain with them long enough to be of real practical value. The American Digest Classification Scheme is cumbersome and complicated, although it can be mastered by persons who are permanently engaged in indexing and is probably of the greatest service to them in overcoming the difficulties which they frequently encounter; but if their index is to be really serviceable to the user he must know as much as they: he can know how to use it only by knowing how they made it.

The real problems involved in the making of an index became apparent only after the actual work of indexing the *Compiled Code* commenced. The indexer was not slow in reaching the conclusion that "the tedious and sublunary task" of grasping and holding the eel of legal science is more than ordinarily difficult. The General Assembly had given the commission only one direction in regard to the compilation of an index: the principal words in each section of the code should be indexed alphabetically by giving "the number of section, chapter or title as best adapted to find a section sought without again referring to the index." The policy followed with regard to the profuse employment of cross-references in the index of 1915, the "snake-chasing-its-tail" or "ring-'round-a-rosy" index, was doubtless aimed at in this provision.

The *Compiled Code* index of 293 pages — nearly two hundred pages shorter than that of 1915 — is believed to give effect to the reasonable intent of the General Assembly. Law which may be looked for under different heads in the index can be found in different places without extensive duplication of index contents. For instance, under "Agricultural College" is a detailed index of the law on the subject, but if the user should turn to "College of Agriculture and Mechanic Arts", he will not find the same index repeated but only a reference to the section numbers of the

general chapter of the code applicable, followed in parenthesis by the words "For a more detailed index see 'Agricultural College' ". By this device the reader is always given a reference to the law and sent on his way with some feeling of satisfaction. A single subject in the law can thus be indexed completely under one head while it may appear under synonymous heads without necessitating undue duplication. If this rule had not been followed, the result might have been an index almost as voluminous as the law itself. Whatever the legislature may have had in mind, the entire elimination of cross-references from an index is not reasonably possible unless the expense of paper and the excessive length of the index are not taken into consideration at all. Nevertheless, the indexer did not by any means exhaust the possibility of using synonyms: for instance, where the index gives only the words of the law, such as "Sabbath" or "Illegitimate Children", it might have included also the more familiar heads "Sunday" and "Bastardy".

For general purposes Iowa code law naturally falls into three main divisions: administrative law, which covers State and local government; substantive law, which provides rules for the every-day conduct of individuals and corporations; and procedural law, which deals with court procedure in civil and criminal actions. When one views the law as a whole in this way, it is clear that the bulk of it directly concerns thousands of public officials, while the remainder affects the life of perhaps two thousand lawyers, large commercial and professional classes, and the people generally. In other words, the code will be consulted by an army of State, county, district, city and town, township, and school officials, by comparatively fewer practitioners, and by a very considerable number of laymen engaged in business, trade, or the professions. Bearing this fact in mind, the indexer should group related matters in the index

so as to make all the law on any topic readily accessible not only to lawyers but to other classes of the population as well. In the construction of an index he should, therefore, always remember the needs of the particular people affected by the law, and to serve them he should aim at three primary requirements: simplification of arrangement, readiness of reference, and completeness of detail. Does the new index meet such a standard?

Simplification of arrangement is not so easy to achieve as it might seem at first thought. Public officials will look for specific titles. State officers' titles and the titles of State boards, commissions, and departments are not grouped in one part of the index, each preceded by the adjective "State", but are scattered throughout the index, each head beginning with the suggestive or key word of the title so that we find such index headings as "Secretary of State"; "Mine Inspectors, State"; "Railroad Commissioners, Board of"; "State Institutions, Board of Control of"; "Insurance Department, State"; and "Animal Health, Commission of". Particular State institutions, moreover, appear under such index heads as "Feeble-minded, Institution for"; "Insane, State Hospitals for"; "University, State"; "Teachers' College, State"; and "Penitentiary and Men's Reformatory". In cases where the user might look under another head, the index is prepared to help, as under the heads "Reform Schools"; "Hospitals, State"; and "Educational Institutions"; in which event references and cross-references assist the user on his way. Index heads on these institutions could have been further simplified if the locality had been added in parenthesis or as was done under the head, "Hospital for Indigents at Iowa City".

County institutions have been conveniently arranged under "Counties" or separately as "County High

Schools", "County Hospitals", and so on. County officers are all given as main index heads immediately after "Counties": this arrangement is believed to be better than distributing their titles throughout the index, although, if the user should turn to "Sheriff", he will find one reference to the chapter of law applicable and a cross-reference to a more detailed index under "County Sheriff". The adjective "county" has been chosen as the key word for index purposes, just as "district", "city", "school", and "township" were employed in order to group institutions and officers administering the affairs of all such local areas. Local officers in each particular case are better served by finding each other associated in the index the same as in the actual work of administration. The result of this arrangement is that all law relating to each unit of local government has been given one place in the index with the reference material distributed under all possible and necessary main index heads. Thus, instead of putting all references to the school law under the sole head "Schools", as was done in the index of 1915, the law is now referred to under nineteen separate heads such as "School Bonds", "School Buildings and Grounds", "School Directors", "School Districts", "School Elections", and so on. In like manner, where the index of 1915 devoted sixty-three pages to "Cities and Towns" and "Cities under Special Charters" by including all officers and institutions under those two heads, the new index breaks up the contents of the municipal code and groups only twenty-one pages of references under more than fifty heads — a simplification which, it is believed, will appeal to municipal officers who have hitherto been at a loss to locate the law. City park commissioners, however, will be surprised that the index apparently treats them so slightingly: owing to the printer's carelessness in making up the column, most of the index on their

powers and duties has been separated and misplaced immediately above the index head.

In the arrangement of the index for public officials, a vast body of law which is applicable in general terms to all officers or certain large groups has been indexed under general heads, so that the references there have not been inserted under the titles of specific officers or institutions. It is hard to see how this arrangement could have been avoided without entailing an incalculable amount of labor. Accordingly, particular public officials are placed under the necessity of consulting also such general heads as "Judges"; "Office, Public"; "Officers, Public"; "Reports of State Officers"; "State Boards, Commissions, and Departments"; "State Officers"; "State Institutions"; "State Funds"; "District Officers"; "County Officers"; "City Officers"; "Township Officers"; and "School Officers". Other subjects of interest to them are "Oaths", "Bonds", "Accounts of Officers", "Vacancies in Office", "Removal from Office", and "Warrants". It is clear that if, whenever the law treats of generic matters, the indexer should undertake to distribute each reference among index heads covering specific matters, he would be engaged on the endless and somewhat dangerous task of reaching and stating conclusions of law that may in the end mislead the reader. A public official, therefore, who needs to consult the index for something must ask himself first whether he seeks the generic or the specific — the arrangement of the new index is unfortunately not so simple as to obviate the need of certain mental processes on the part of users.

Simplification of arrangement has been sought not only in the determination and statement of the main index heads, but also in other respects. The index references are concise, usually only one line long because the indexer has not attempted to state conclusions of law; and the lines, ar-

ranged in alphabetical order, begin with the most important or suggestive words of points of law to which the reader wishes to refer. The difficulty about the latter arrangement is no doubt that the user, in order to locate a reference quickly, must try to choose in his mind the same word that the indexer used, but it is the best arrangement thus far discovered in index-making. Those index lines, moreover, which describe matters to which the code makes several references have been raised to the dignity of subheads and stand out in black-face type to catch the reader's eye — a device employed with good effect in the index to the *Code of 1897*. In a few places where these subhead topics have been further subdivided under sub-subheads, the arrangement tends to become complicated and the effect is confusing unless the user keeps his wits about him. Especially noticeable is the frequency of division and sub-division under such large titles as "Civil Practice and Procedure" and "Criminal Procedure", and it will require some study by the lawyer or judge to discover to what length the indexer has gone in his analysis of those branches of the law which most concern them. Knowing and remembering what the indexer has done in such and other cases the user ought to encounter no more difficulty in finding his point than if the subheads under such a large title had been scattered all through the index as main heads. It is impossible to avoid the conclusion that certain classes of users like lawyers and judges, who consult the index frequently, if they would understand it, must devote some time to its study (just as they would to any other source of information) and remember how it is put together — that is not asking too much although it is an honor not usually accorded to the humble index by the busy man. What is true of learning in general can be said of indexes to volumes of law in particular: there is no royal road to their contents.

At the commencement of his work the compiler of an index of law may as well take for granted that most users of indexes wish to find immediately what they want or else a stormy time is promised. Has the law been rendered readily accessible to them in the new index? This raises the point whether a code index should be merely a list of legal words or phrases, alphabetically arranged like a dictionary, with all necessary references under each. In other words, should a code index consist of a long series of short indexes each of which is headed by some word familiar to the student of law? Or is it not preferable to arrange words which relate to the same general subject under such large heads as "Contracts"; "Criminal Law"; "Civil Practice and Procedure"; "Criminal Procedure"; "Damages"; "Corporations"; "Property, Real"; "Sales"; "Negotiable Instruments"; and the like? The new index was constructed more on the latter principle, and many will hold, therefore, that the plan does not conform to one primary requirement for a good index: readiness of reference. For example, if the lawyer wants the law on "tender" and looks under "Tender", he will be disappointed; but if he turns to "Contracts", he discovers a subhead "Tender". Again, if the judge seeks the law on "instructions" or "verdicts", he will not find these as main index heads, but the former under subhead "Trials" of either "Civil Practice and Procedure" or "Criminal Procedure"; and the latter as a special subhead of the same two heads.

If all the index references under large heads had been repeated and duplicated under scores of other heads scattered everywhere, as in the index of 1915, the arrangement of the index would have been greatly simplified for those who are ignorant of its present plan of construction. But the compiler of the new index worked on the theory (perhaps mistakenly) that all matters of procedural law had

better be bunched under two headings and arranged chronologically in the same order as the steps taken in every cause of action, and that statutory rules of substantive law should also be indexed under large headings. If this kind of index treatment has resulted in some difficulty to lawyers and judges, their training and knowledge of the law must be relied upon to guide them through what they will at first regard a wilderness; nor should they forget that different subjects of the law in their various ramifications necessarily overlap each other and must, therefore, be looked for under several different index heads.

A short preface to the index, explaining clearly its plan of construction as described above, would not have been out of place: on the contrary, such an explanation would serve as a guide to the method of using the index. The omission of such a general key, however, has been partially atoned for by the insertion of parenthetical notes immediately below index heads which deal with a score of subjects in the code. Thus, a series of explanatory notes under "Cities and Towns" tells the reader what that head covers; and another note under "Criminal Law" shows how to use the index there by stating that on account of the difficulty of naming statutory offenses, numerous penal provisions of the code must be found under the names of classes of persons concerned or under the names of things the laws relating to which have been violated.

If the new index meets the requirement of completeness of detail, the compiler must have made the closest analysis of each section of the code by saving every essential idea conveyed. Public officials, State and local, have been particularly kept in mind and specific index references are given to all their powers and duties. Where a section of the new compilation incorporates another section by mere reference, the index gives the number of the former followed

by the second in parenthesis. This is done especially in the index on cities under special charters, thus saving the user a considerable amount of time. Paragraphs of long sections are also indicated whenever they bear numbers or letters. Had the State Constitution also been included in the *Compiled Code,* the index to the State's whole "written law" would have been more complete than it is. Extensive use of the index, however, alone can tell whether it is as full as it should be and whether, as the code commission believes in its letter of transmittal to the Governor and the General Assembly, "the simplified and shortened index will be satisfactory" to the thousands whom it is intended to serve. If the *Compiled Code* is adopted as the official code of the State in 1921, the index may have a considerable time to live, but if as contemplated a new permanent code takes its place in 1921, its usefulness will be very much cut short. Even though one can not guarantee perfection in the new index, which was intended as a temporary expedient, the principles on which it was constructed and specific criticisms of its content and structure can be utilized in the preparation of a better index when the time comes; and it is hoped that all errors and omissions may be reported to the author.

In conclusion, to those who wish to know something of the mechanics of index-making, it may be of interest to indicate briefly the various steps pursued. Commencing after the middle of May, when copy of the new compilation began to come from the hands of the code commissioners, and continuing until the second week of October the indexer was busy writing references to the subject-matter of code sections, one reference to a card. These references in longhand were then transferred by typewriter to other cards, and as fast as code titles were finished the cards were arranged in alphabetical order and each title index was then

typewritten and sent out, one copy to each commissioner. Two assistants were depended upon to handle the cards after they left the hands of the indexer. Nearly 50,000 cards were consumed in the work.

After the entire code had been subjected to such a process, four weeks were devoted to revising and editing the cards so that the completed index could be put into the best possible shape for transcribing on large sheets of paper. On November 4th the card index was boxed up and shipped to Des Moines; and after the indexer himself had gone over the whole index once more, rearranging and adding materials and otherwise improving in order to obviate the necessity of making alterations in the printer's galley proof, a force of stenographers and proofreaders worked a week to prepare final copy for the printer. With the aid of a copyholder the indexer then spent one week at the Homestead Printing Company's plant reading galley and page proofs, completing the work on November 21st.

The index of 293 pages represents, therefore, a little more than six months of toil. Owing to the fact that the *Compiled Code* was required by law to be ready for distribution on December 1st, the indexer was under constant pressure to speed up with the result that there was no opportunity to subject the section numbers of the printed index to a thorough verification before they finally went to press. When the user of the index realizes that the references to code sections had passed through the hands, eyes, ears, and mouths of over a dozen different people before printing and from six to eight weeks could have been used simply to effect a final verification, he need not be surprised if some errors have crept into the finished product.

It will be well for any critic of the *Compiled Code* and its index to remember that most shortcomings are due to the brief time allowed for the work. If there is one thing more

than another that should be realized in connection with such services as have just been performed for the State, it is this: allowing only six or eight months for a task of such magnitude has the effect of hurrying those whose chief assets ought to be plodding patience and careful analysis of everything that passes through their hands: in the very nature of the case the mill can not well be adjusted to grind quickly a grist that has always been supposed to be exceedingly fine.

JACOB VAN DER ZEE

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY IOWA

SOME PUBLICATIONS

The Illinois Country, 1673–1818. By Clarence Walworth Alvord. Springfield: Illinois Centennial Commission. 1920. Pp. 524. Plates, maps. With this volume in *The Centennial History of Illinois,* published by the Illinois Centennial Commission, the history of the State down to date is completed with the exception of the years 1870 to 1893. Much of the material in the volume is of interest to readers in all the States of the Mississippi Valley since it deals with the early history of the West, Indian wars, and the first American settlements. A bibliography in addition to numerous foot notes and an index complete the volume.

Writings on American History, 1917, by Grace Gardner Griffin, is the twelfth number in this bibliographical series.

Beginnings of the Church in Little Rock, by F. G. Holweck, is one of the papers in the July number of *The Catholic Historical Review.*

The *Proceedings of the Academy of Political Science in the City of New York* for June contains a series of addresses and papers on *Inflation and High Prices: Causes and Remedies,* edited by Henry Rogers Seager.

Volume six of the *Journal of the National Institute of Social Sciences* is devoted to discussions of the general subject, *Leadership in a Democracy.*

The War Department has recently published a *Digest of Opinions of the Judge Advocate General of the Army,* covering the period from April 1 to December 31, 1917.

In the August number of *The National Geographic Magazine* Frederick W. Lawrence contributes an interesting article on *The Origin of American State Names.*

New Orleans in Early Days, by Edna F. Campbell, is a short article, of interest to students of Mississippi Valley history, which appears in *The Geographical Review* for July.

Schooldays in the Twenties, a reminiscence by Charles Tylor of educational experiences in England, is one of the contributions to *The Journal of the Friends Historical Society* for January.

The Social Organization of the Kwakiutl, by Franz Boas, and *The Culture Problem in Ohio Archaeology,* by H. C. Shetrone, are two of the papers in the April-June number of the *American Anthropologist.*

Canada's Part in Freeing the Slave, by Fred Landon, is an article of interest to Americans which is reprinted from the *Ontario Historical Society Papers and Records,* volume seventeen.

The Increasing Debt of History to Science, by Archer B. Hulbert, *Some Papers of Aaron Burr,* by Worthington Chauncey Ford, and a *Bibliography of American Newspapers, 1690–1820,* by Clarence S. Brigham, are three papers which appear in a recent number of the *Proceedings of the American Antiquarian Society.*

Mr. Wilson and the Campaign, by William Howard Taft, and *Liberal or Reactionary,* by Norman Hapgood, are two of the articles in *The Yale Review* for October.

The Czechs in America, by Thomas Capek, is one of the recent volumes on the history of various racial groups in the United States. In addition to the general information concerning the Bohemians in the country as a whole, Iowa readers will find many allusions to members of this race who are or have been prominent in this State.

Fighting Adult Illiteracy in North Carolina, by Fronde Kennedy, *Some Relations Between Soil, Climate and Civilization in the Southern Red Hills of Alabama,* by Roland M. Harper, and *The Importance of the Southern College to American Civilization,* by Paul Shorey, are three of the contributions to *The South Atlantic Quarterly* for July.

The Amalgamated Association of Iron, Steel and Tin Workers, a

monograph by Jesse S. Robinson, is published as a recent number of the *Johns Hopkins University Studies in Historical and Political Science.*

The Pluralistic State, by Ellen Deborah Ellis, and *Special Municipal Legislation in Iowa,* by Frank Edward Horack, are two papers which appear in *The American Political Science Review* for August, 1920. Charles Kettleborough contributes the *Legislative Notes and Reviews;* Robert E. Cushman reviews *Judicial Decisions on Public Law;* Frederic A. Ogg writes of *Foreign Governments and Politics;* and the *Notes on International Affairs* are by Charles G. Fenwick.

Letters of a New England Exile, by Caroline Clifford Newton, *Historic Ships,* by Mary Lloyd, and *Romance in American History* are three contributions to the July number of *Americana.* Among the papers in the issue for October are the following: *Rewriting American History,* by Charles W. Super; *Personal Characteristics of Washington Irving,* by Charles A. Ingraham; and *Myles Standish: Military Commander and Brave Defender of the Plymouth Colony,* by Amelia Day Campbell.

In *The Cavalry Journal* for July, Leonard Wood contributes an article on *Cavalry's Rôle in the Reorganization;* Randolph C. Shaw writes on *Diagnosing Desertions;* and George E. Mitchell continues his account of *The Rout of the Turks by Allenby's Cavalry.*

Two of the papers included in the September issue of *The American Economic Review* are the following: *Price Economics versus Welfare Economics,* by Frank A. Fetter; and *The Transportation Act of 1920,* by Edgar J. Rich. A short paper on *Farm Land Values in Iowa,* by Howard H. Preston, is among the contributions.

The July number of *The Annals of the American Academy of Political and Social Science* contains a series of papers on *Industrial Stability. Labor, Management and Production* is the general topic discussed in the issue for September.

The August number of *The Searchlight* contains a compilation by Lynn Haines and Henry Raymond Mussey, entitled *The Official Truth About Harding.* In the September number is a similar

though much briefer account of *Candidate Cox as a Congressman,* by the same authors.

After a brief suspension *The American Indian Magazine* reappears in an enlarged and more artistic form. The number is dated August, 1920, and contains the following papers: *The United States versus The American Indian,* by Mary Roberts Rinehart; *The Cliff Dweller Housekeeper,* by Walter Hough; *Tales from the House in the Valley,* by Stewart Culin; *The Indian and the Horse,* by Clark Wissler; and *The Indian Knoll,* by H. Newell Wardle.

WESTERN AMERICANA

John Tyree Fain is the compiler of *Fain's Critical and Analytical Index and Genealogical Guide to Ramsey's Annals of Tennessee.*

A monograph on *The Potawatomi,* by Publius V. Lawson, is published in the April number of *The Wisconsin Archeologist.*

A *Centennial History of Indianapolis* has been published under the direction of the committee in charge of the Indianapolis centennial celebration. The exercises commemorating the founding of the city were held at Indianapolis on June 5–9, 1920.

Illinois Constitutions, by Emil Joseph Verlie, has recently been issued as volume thirteen of the *Collections of the Illinois State Historical Library.* The volume includes chapters on the Ordinance of 1787, various Federal laws affecting early Illinois, and the Constitutions of 1818, 1848, and 1870.

Three monographs recently issued in the *University of California Publications in American Archaeology and Ethnology* are the following: *Yuman Tribes of the Lower Colorado,* by A. L. Kroeber; *Yurok Geography,* by T. T. Waterman; and *The Sources and Authenticity of the History of the Ancient Mexicans,* by Paul Radin.

The July number of the *Western Pennsylvania Historical Magazine* contains an account of *The Flood of 1884 in the Allegheny River at Pittsburgh* and an address by Edward E. Robbins on the

Life and Services of Colonel Henry Boquet. Colonel Boquet was one of the leading characters in the West during the French and Indian War.

IOWANA

Honor rolls have recently appeared for Buena Vista, Butler, Cass, Floyd, Wapello, Washington, and Webster counties. These war records contain a list of the names of the men and women from each county who served in the World War together with their photographs. Similar volumes for other counties are being compiled.

The memoirs of Stephen B. Hanks, for seventy-two years a pilot and captain on the Upper Mississippi River, are to be published by *The Saturday Evening Post* of Burlington. The manuscript will be edited by Fred A. Bill whose articles on the Mississippi River have been appearing in the same paper.

American Municipalities for September contains the proceedings of the convention of the League of Iowa Municipalities held at Des Moines, August 17–19, 1920.

A Short Record of the Iowa State College in the World War is the title of a memorial pamphlet recently published by the War Records Committee of Iowa State College of Agriculture and Mechanic Arts.

The Making of the Burlington, an address by W. W. Baldwin, has been published in pamphlet form. It is a brief sketch of the history of the Chicago, Burlington, and Quincy Railroad.

A new monthly publication, *Agricultural Engineering: The Journal of the American Society of Agricultural Engineers,* has recently appeared. It is edited at Ames, Iowa, and the first number of volume one is dated September.

Wanted: An Interpreter of Iowa, by Austin P. Haines, is an article of interest to Iowans in the August number of *The Grinnell Review.* The September issue contains, among others, an article by J. M. Owen entitled *Unwelcome Voices* and one on *The Crisis in American Education,* by John Hanson Thomas Main.

Peter Anderson, by Frederick A. Smith, *Distinguished Women —Marietta Walker,* by Vida E. Smith, *The Centennial General Conference of 1920,* by Walter Wayne Smith, and a continuation of the *Official Statements of Joseph Smith,* compiled by Heman Hale Smith, are among the papers in the July number of the *Journal of History.*

Western-Leander-Clark College, 1856–1911, by Henry W. Ward, is one of the recent contributions to the educational history of Iowa. Founded originally as a denominational college of the United Brethren Church, this institution contributed its share to the upbuilding of the State of Iowa. In 1906 the name was changed to Leander Clark College in honor of Major Leander Clark who had generously supported the school.

With the August-September issue the *Iowa Magazine* returns to the form used prior to February, 1920. This number contains the following papers: *Iowa's Master Fruit Breeder,* by Belle Caldwell; *Luther College, Decorah, Iowa,* by Oscar L. Olson; *The Iowa Teacher,* by Chas. F. Pye; *The West Bend, Iowa, Grotto; How 1,200 Workers Keep Happy,* by Melvin W. Ellis; *Great Lakes-Saint Lawrence Waterways Project,* by R. H. Faxon; *The Summer School of 1920,* by Harold Foster; and an account of the Biennial Convention of Women's Clubs.

In 1917 the first volume of a *Geshichte der Stadt Davenport und des County Scott* by Dr. August P. Richter was published at Davenport, Iowa. Conditions prevented the issuance of a second volume in the German language and it seemed for a time that the results of the investigations of the author, covering a period of more than forty years, would be lost to the world. The publishers of the *Davenport Democrat,* however, determined to give place in the Sunday issues of their newspaper to this valuable record of local history. Beginning with the issue for April 11, 1920, weekly installments have been printed under the title *A True History of Scott County, Its People, Cities, Towns and Institutions.* The early history of the vicinity receives attention as a background for the later story but the main purpose of the account is to record the

events of the period from the middle of the last century, since that period has been much less adequately treated by historians. Dr. Richter, from his long residence in Davenport, his experience for many years as editor of *Der Demokrat,* and his indefatigable search for materials, is exceptionally well qualified to write this account, and the result is a very valuable presentation of Davenport and Scott County history.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Adler, Betty,
Within the Year After. Chicago: M. A. Donahue Co. 1920.

Aldrich, Bess Streeter,
Father Mason Retires (The American Magazine, October, 1920).

Ashbaugh, E. J., (Joint author)
The Professional Equipment of Certain Iowa Teachers (Midland Schools, May, 1920).

Athearn, Walter Scott,
National System of Education. New York: George H. Doran Co. 1920.

Baker, A. C.,
Genealogy and History of the Wm. Baker, Andrus, Clark and Adams Families. Decorah: Lutheran Publishing House. 1920.

Baldwin, Bird Thomas,
Administration and Scope of the Iowa Child Welfare Research Station. Iowa City: State University of Iowa. 1920.

Bjorenson, P. O.,
Don't Advertise Silk to a Calico Buying Public (The Northwestern Banker, August, 1920).

Butler, Ellis Parker,
A Jury of His Peers (Everybody's Magazine, September, 1920).

Caldwell, Belle,
Iowa's Master Fruit Breeder (The Iowa Magazine, August-September, 1920).

Crowley, Lillian Hall,
A Case of Double Graft (Successful Farming, September, 1920).

Crumbacker, W. P.,
Freud's Theory of Psychology (Bulletin of State Institutions, April, 1920).

Ellis, Melvin W.,
How 1,200 Workers Keep Happy (The Iowa Magazine, August-September, 1920, and the Northwestern Banker, July, 1920).

Ferber, Edna, (Joint author)
$1200 a Year. New York: Doubleday, Page & Co. 1920.

Foster, Harold,
The Summer School of 1920 (The Iowa Magazine, August-September, 1920).

Galer, Laura B.,
The Paroled Girl (Bulletin of State Institutions, April, 1920).

Gallaher, Ruth A.,
Benjamin Stone Roberts (The Palimpsest, September, 1920).

Gordon, F. G. R.,
Plain Bill Jones Learns Something of Socialism (The Iowa Magazine, August-September, 1920).

Graham, Robert D.,
The Science of Freemasonry. Cedar Rapids: Privately printed. 1920.

Greene, H. A., (Joint author)
The Professional Equipment of Certain Iowa Teachers (Midland Schools, May, 1920).

Haines, Austin P.,
Wanted: An Interpreter of Iowa (The Grinnell Review, August, 1920).

Hanson, Leslie,

European Situation Has Great Effect on Our Financial Conditions (The Northwestern Banker, September, 1920).

Funds Are Being Diverted from Speculative Uses (The Northwestern Banker, August, 1920).

Harding, William L.,

Re-making Country Schools in Iowa (The Review of Reviews, August, 1920).

Hebard, Grace Raymond,

The Bozeman Trail. Cleveland: Arthur H. Clark Co. 1920.

Henderson, Rose,

Prairies (poem) (The Designer, October, 1920).

Hill, James L.,

The Worst Boys in Town. Boston: The Stratford Co. 1920.

Hise, George E.,

Assessments Against Railway Properties (Proceedings of the Thirty-second Annual Meeting of the Iowa Engineering Society, 1920).

Horack, Frank Edward,

Special Municipal Legislation in Iowa (The American Political Science Review, August, 1920).

Hyde, James Hazen,

Flowers from the Field of Franco-American Friendship. New York: La France. 1920.

Johnson, Griff,

Are Present Land Values Permanent? (The Northwestern Banker, July, 1920).

Johnson, Wm. S.,

A Romance of the Forties (The Palimpsest, September, 1920).

Kastman, K. C.,

The Memorial Bridge at Des Moines, Iowa (Proceedings of the Thirty-second Annual Meeting of the Iowa Engineering Society, 1920).

Kerr, W. B.,

Coöperating with the Newspapers (Bulletin of State Institutions, April, 1920).

Keyes, Charles R.,

Some Materials for the Study of Iowa Archeology (The Iowa Journal of History and Politics, July, 1920).

Klingaman, O. E.,

The Need for a Constructive Social Program in Iowa (Bulletin of State Institutions, April, 1920).

Knipe, Emilie B., and Alden Arthur,

A Mayflower Maid. New York: Century Co. 1920.

Lundin, Hilda G.,

The Influence of Jeremy Bentham on English Democratic Development. Iowa City: State University of Iowa. 1920.

McMurry, Donald L.,

The Soldier Vote in Iowa in the Election of 1888 (The Iowa Journal of History and Politics, July, 1920).

Main, John Hanson Thomas,

The Crisis in American Education (The Grinnell Review, September, 1920).

Matlack, H. W.,

Music as a Liberal Art (The Grinnell Review, July, 1920).

Melhus, I. E., (Joint author)

Relation of the Barberry to Stem Rust in Iowa. Ames: Iowa State College of Agriculture and Mechanic Arts. 1920.

Meredith, Edwin T.,

Do You Want to Go Hungry? (The Independent, July 10, 1920).

Speeding Up Our Food Production (The Forum, April, 1920).

Nixon, Vesta Tharp,

Wilyum Da Kaiser (The Grinnell Review, August, 1920).

Olson, Oscar L.,

Luther College, Decorah, Iowa (The Iowa Magazine, August-September, 1920).

Parish, John C.,

An Editorial Dialogue (The Palimpsest, August, 1920).

Palimpsests (The Palimpsest, July, 1920).

Three Men and a Press (The Palimpsest, August, 1920).

White Beans for Hanging (The Palimpsest, July, 1920).

Parrish, Randall,

Wolves of the Sea. New York: A. L. Burt Co. 1920.

Pond, A. M.,

Compulsory Registration and Commitment of the Feeble-minded (Bulletin of State Institutions, April, 1920).

Preston, Howard H.,

Farm Land Values in Iowa (The American Economic Review, September, 1920).

Federal Reserve Banks' System of Par Collection (The Journal of Political Science, July, 1920).

Price, Eliphalet,

The Trial and Execution of Patrick O'Conner at the Dubuque Mines in the Summer of 1834 (The Palimpsest, September, 1920).

Pye, Chas. F.,

The Iowa Teacher (The Iowa Magazine, August-September, 1920).

Raymond, William G.,

Unto Caesar the Things That Are Caesar's (Proceedings of the Thirty-second Annual Meeting of the Iowa Engineering Society, 1920).

What Is Value for Rate Making Purposes? (The Railway Age, August 27, 1920).

Richardson, Anna Steese,

Three Months From Now (The Woman's Home Companion, August, 1920).

Roberts, George E.,

Increased Production Through Increased Saving As a Remedy (Proceedings of the Academy of Political Science in the City of New York, June, 1920).

Ross, Edward Alsworth,

The Principles of Sociology. New York: Century Co. 1920.

Russell, Charles Edward,

Collective Bargaining in the President's First Industrial Conference (The Annals of the American Academy of Political and Social Science, July, 1920).

The Story of the Nonpartisan League; A Chapter in American Evolution. New York: Harper Bros. 1920.

Schmidt, Louis Bernard,

Some Significant Aspects of the Agrarian Revolution in the United States (The Iowa Journal of History and Politics, July, 1920).

The Westward Movement of the Wheat Growing Industry in the United States (The Iowa Journal of History and Politics, July, 1920).

Seashore, Carl E.,

A Survey of Musical Talent in the Public Schools. Iowa City: State University of Iowa. 1920.

Shambaugh, Benj. F.,

The Vision (The Palimpsest, July, 1920).

Shambaugh, Bertha M. H.,

Newspaper History (The Palimpsest, August, 1920).

Sinclair, Hazel D.,

Devices (Bulletin of State Institutions, April, 1920).

Smertenko, Johan J.,

The Trained Elephant at Chicago (The Grinnell Review, July, 1920).

Smith, Lewis Worthington,

Fires in the Urn (poem) (Contemporary Verse, October, 1920).

Stoner, Dayton,

The Scutelleroidae of Iowa. Iowa City: State University of Iowa. 1920.

Taylor, Alonzo Englebert,
The Economic Consequences of the Peace (The Saturday Evening Post, September 18, 25, 1920).

Upham, Cyril B.,
Historical Survey of the Militia in Iowa 1898–1916 (The Iowa Journal of History and Politics, July, 1920).

Walker, C. C.,
The Relation of Ophthalmology and Laryngology to Internal Medicine (Bulletin of State Institutions, April, 1920).

Wyatt, Edith Franklin,
Conversational Poetry (The Yale Review, October, 1920).

SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

A true history of Scott County, by August P. Richter, running in the Sunday editions of the *Davenport Democrat.*

First bridge over Cedar River at Cedar Rapids, in the *Cedar Rapids Gazette,* July 1, 1920.

Anniversary of the establishment of the postoffice at Sioux City, in the *Sioux City Journal,* July 1, 1920.

A tourist's manual and guide to the scenes, legends, and cities of the upper Mississippi River by Fred A. Bill, in the *Burlington Saturday Evening Post,* July 3, 17, 24, 31, August 7, 28, and September 4, 1920.

Sketch of the life of Jas. Henry, the oldest man in Lee County, in the *Keokuk Gate City,* July 8, 1920.

How towns of northern Iowa were named, in the *Algona Advance,* July 8, 1920.

Sketch of the life of J. F. Breitenstein, in the *Keokuk Gate City,* July 14, 1920.

Sketch of the lives of Mr. and Mrs. George W. Hana, for seventy-five years residents of Black Hawk County, in the *Waterloo Tribune* and the *Waterloo Courier,* July 16, 1920.

Sketch of the life of Lot Abraham, in the *Mt. Pleasant News,* July 24, 1920.

The first frame house in the Upper Mississippi Valley, in the *Waukon Standard,* July 28, 1920.

Early days in Audubon County, in the *Exira Journal,* July 29, August 5, 12, 19, 26, 1920.

Skeletons found at Spirit Lake near the original Marble cabin, in the *Spencer Reporter,* August 4, 1920, and the *Cedar Rapids Republican,* August 6, 1920.

Fiftieth anniversary of Storm Lake, in the *Storm Lake Tribune,* August 6, 1920, and *Des Moines Register,* August 11, 1920.

Petition for reincorporation of Manawa, in the *Council Bluffs Nonpareil,* August 7, 1920.

Historical importance of Louisa County, in the *Cedar Rapids Republican,* August 8, 1920.

Map of Iowa as it was sixty-five years ago, in the *Sioux City Journal,* August 9, 1920.

Reminiscences of the battle of Wilson's Creek, in the *Marshalltown Times-Journal,* August 12, 1920.

An Iowan's account of the assassination of Lincoln, in the *Nashua Reporter,* August 12, 1920.

Some landmarks of Madrid, by C. L. Lucas, in the *Madrid News,* August 12, 1920.

Curiosities in Council Bluffs history, by Charles H. Babbitt, in the *Council Bluffs Nonpareil,* August 14, 1920.

The Tama Indians, in the *Greene Recorder,* August 20, 1920.

The Underground Railway, by F. G. Weeks, in the *Council Bluffs Nonpareil,* August 22, 1920.

Sketch of the life of James Wilson, in the *Des Moines Capital,* and the *Waterloo Courier,* August 26, 1920, the *Des Moines Register,* August 26, 27, September 1, 1920, the *Toledo Chronicle,* September 2, 1920, the *Adel Record,* and the *Traer Star-Clipper,* September 3, 1920.

The first State Fair, in the *Des Moines Tribune,* August 30, 1920.

The origin of the name "Iowa", in the *Des Moines Tribune,* August 30, 1920.

Sketch of the life of Thomas L. Maxwell, in the *Corning Union-Republican,* September 1, 1920.

Sketch of the life of M. D. Woodruff, in the *Knoxville Express,* September 1, 1920.

Mrs. Samuel J. Kirkwood ninety-nine years of age, in the *Davenport Democrat,* September 1, 2, 1920, and the *Cedar Rapids Republican,* September 2, 1920.

The Amish in Iowa, by J. D. Gingerich, in the *Wellman Advance,* September 2, 9, 1920.

Some facts in the life of Charles Shepherd, by Hiram Heaton, in the *Fairfield Tribune,* September 3, 1920.

Selecting the site for the State capitol, by L. J. Wilson, in the *Des Moines Register,* September 6, 1920.

Early history of Bremer County, by W. V. Lucas, in the *Waverly Independent,* September 9, 1920.

Sketch of the life of Edgar W. Stanton, in the *Ames Tribune,* and the *Des Moines Tribune,* September 13, 1920.

Steamboating after the Civil War, by Mike V. Foley, in the *Bellevue Leader,* September 24, 1920.

Pen picture of Keokuk, in the *Keokuk Gate City,* September 25, 1920.

HISTORICAL SOCIETIES

PUBLICATIONS

The first installment of *New Light on the Origins of the World War,* by Sidney B. Fay, is one of the papers in *The American Historical Review* for July. A contribution of particular interest to students of Mississippi Valley history is *An Unrecognized Father Marquette Letter* the text and translation of which are printed under "Notes and Suggestions" in this number, together with a brief introduction by Clarence W. Alvord. The letter has been previously printed but owing to errors in transcription the identity of the writer with Father Marquette was not realized. It was written from the Mississippi River at about the thirty-fifth parallel of latitude, evidently in August, 1763, while Marquette and Jolliet were returning from their trip to the mouth of the Arkansas River. Professor Alvord's identification of the letter as a Marquette manuscript adds an interesting item to the bibliography of the expedition.

A Bibliography of Syracuse History, compiled by Franklin H. Chase, has recently been published by the Onondaga Historical Association.

The July number of the *Ohio Archaeological and Historical Quarterly* contains an article by C. B. Galbreath on *Lafayette's Visit to Ohio Valley States.*

The *Proceedings of the Vermont Historical Society,* for the years 1917–1918, in addition to the various reports of the Society, contains an address on *Brigadier-General Jacob Bayley,* by Edwin A. Bayley, and a paper on *Early Poets of Vermont,* by Pliny H. White.

Volume eighteen of the *Collections of the Connecticut Historical Society* contains a second installment of the *Correspondence and*

Documents During Thomas Fitch's Governorship of the Colony of Connecticut, 1754–1766.

A. J. Wall is the author of an article on *The Statues of King George III and the Honorable William Pitt Erected in New York City 1770,* which appears in *The New-York Historical Society Quarterly Bulletin* for July.

The State Historical Society of Wisconsin has recently issued the *Proceedings of the Society at its Sixty-seventh Annual Meeting,* held on October 23, 1919.

Among the articles which appear in *The Canadian Historical Review* for September are the following: *The Captains of Militia,* by Benjamin Sulte; *Who Was the Chevalier de la Vérendrye?,* by A. H. de Trémaudan; and *Canadian Opinion of Southern Secession, 1860–61,* by Fred Landon.

The New Hampshire Historical Society has recently published in pamphlet form *The Unwritten History of the New Hampshire Historical Society Building,* prepared by Charles Robert Corning.

The Georgia Historical Quarterly for March contains an account of *Oglethorpe's Treaty with the Lower Creek Indians* and a *Eulogy on Dr. Noble W. Jones,* by John Grimes.

The Old Indian Road, by William B. Marye, is one of the papers published in the *Maryland Historical Magazine* for June. This is continued in the issue for September.

The Quarterly of the Oregon Historical Society for June contains a paper by T. C. Elliott, entitled *David Thompson and Beginnings in Idaho;* Read Bain contributes an article on *Educational Plans and Efforts by Methodists in Oregon to 1860;* and there is a *History of Oregon Normal Schools* prepared by John C. Almack.

William Phineas Upham, a memoir by Robert S. Rantoul, and a continuation of *Some Account of Steam Navigation in New England,* by Francis B. C. Bradlee, are two of the papers published in the *Historical Collections of the Essex Institute* for July.

The three articles which appear in *The Mississippi Valley His-*

torical Review for June are the following: *Jonathan Carver and the Carver Land Grant,* by Milo M. Quaife; *Transportation and Traffic on the Ohio and Mississippi Before the Steamboat,* by W. Wallace Carson; and *The Ohio Valley in the Preliminaries of the War of 1812,* by Christopher B. Coleman.

The *Minnesota History Bulletin* for February contains an article on *American Democracy,* by Carl Russel Fish, and one by Louis H. Roddis on *The Last Indian Uprising in the United States.* There is also a discussion of the Goodhue Press. The issue for May contains only one extensive article — *Recruiting Engineers for the World War in Minnesota,* by George W. McCree.

The July and October, 1919, issue of *The Virginia Magazine of History and Biography* contains the following papers: *Virginians Who Have Died in the War for Liberty;* a continuation of the *Minutes of the Council and General Court, 1624–1629; Virginia Gleanings in England,* by Leo Culleton; a further installment of the *Preston Papers;* and *Virginia in 1681–82.*

The Question of Texan Jurisdiction in New Mexico Under the United States, 1848–1850, by William Campbell Binkley; a continuation of *Mirabeau Buonaparte Lamar,* by A. K. Christian; and the eleventh installment of the *Minutes of the Ayuntamiento of San Felipe de Austin, 1828–1832,* edited by Eugene C. Barker, are papers which appear in *The Southwestern Historical Quarterly* for July.

The Division as a Fighting Machine, by William G. Haan; *Muscoda, 1763–1856,* by Joseph Schafer; *Lincoln in Wisconsin,* by Julius E. Olson; *Historic Spots in Wisconsin,* by W. A. Titus; and *The Wisconsin Domesday Book,* by Joseph Schafer, are the five articles published in the September issue of *The Wisconsin Magazine of History.*

The January number of the *Tennessee Historical Magazine* contains the following papers: *Tennessee Scotch-Irish Ancestry,* by Blanche Bentley; *The Conquest of the Old Southwest,* by Sam'l C. Williams; *Some Early Archeological Finds in Tennessee,* by W. A. Provine; *Why the First Settlers of Tennessee Were from Virginia,*

by A. V. Goodpasture; and a continuation of the *Journal of Governor John Sevier (1790–1815)*, edited by John H. De Witt.

Governor George Clinton, by G. D. B. Hasbrouck, *Rochester, the City of Beginnings*, by H. E. B. Dow, and *Minutes of the Presbytery of New York, 1777–79*, by Dixon R. Fox, are the three articles published in *The Quarterly Journal of the New York State Historical Association* for July.

The Indiana Historical Commission has published as bulletin number eleven the *Proceedings of State History Conference*, held at Indianapolis, December 10 and 11, 1919. An address by Thomas F. Moran on *State History: Its Importance; How to Interest People In It; How to Preserve It* is included.

The Travail of Missouri for Statehood, by Walter B. Stevens, *Missouri in 1820*, by Jonas Viles, *A Century of Journalism in Missouri*, by W. V. Byars, *A Century of Missouri Literature*, by Alexander Nicolas DeMenil, *A Century of Transportation in Missouri*, by Edward J. White, *Labor and Industry in Missouri During the Last Century*, by Lee Meriwether, *Social Customs and Usages in Missouri During the Last Century*, by Mary Alicia Owen, and *Social Reform in Missouri During the Last Century*, by George B. Mangold, are contributions printed in *The Missouri Historical Review* for October.

In addition to the minutes of the association, the *Proceedings of the Nineteenth Annual Session of the State Literary and Historical Association of North Carolina*, issued as bulletin twenty-six of the *Publications of the North Carolina Historical Commission*, contains a number of papers relating to the war history of North Carolina. Among these are the following: *Contributions of North Carolina Women to the World War*, by Archibald Henderson; *Some Economic Effects of the World War*, by William H. Glasson; and *The Preservation of North Carolina's World War Records*, by Robert B. House.

Temperance Movement and Legislation in Indiana, by Charles E. Canup, *A Pioneer Wedding*, by Catherine Noble, *Americanism 100 Years Ago*, by Mary Boggs, *Recollections of the Campaign of 1856*,

by Edwin P. Harter, and a continuation of *Indiana in the Mexican War,* by R. C. Buley, are articles which appear in the March number of the *Indiana Magazine of History.*

The Register of the Kentucky State Historical Society for September contains a description of the "Old Capitol" which has now become the home of the Historical Society. There is also a continuation of the *History of Woodford County,* by William E. Railey, and some information relating to Kentucky's part in the World War.

The Reopening of the Russian-American Convention of 1824, by Victor J. Farrar, *Beginning of Mission Work in Alaska by the Presbyterian Church,* by William Sylvester Holt, *David Thompson's Journeys in Idaho,* by T. C. Elliott, *John Work's Journal of a Trip from Fort Colville to Fort Vancouver and Return in 1828,* by William S. Lewis and Jacob A. Meyers, and a continuation of the *Origin of Washington Geographic Names,* by Edmond S. Meany, are among the contributions to *The Washington Historical Quarterly* for April. The articles by T. C. Elliott and Edmond S. Meany are continued in the July journal. In addition this number contains *Letters on the Northwest Fur Trade,* by Samuel Eliot Morison, and *Shipbuilding in the Pacific Northwest,* by Helen Durrie Goodwin.

ACTIVITIES

The August meeting of the Jefferson County Historical Society was held at Fairfield on August 15, 1920. Reminiscences of early days were related by various members. The meeting for September was held at the same place on the seventeenth of that month.

The sixty-eighth annual meeting of the Wisconsin State Historical Society will be held at the Historical Library at Madison, October 21st. Col. A. L. Conger will give an address on "The Military Education of General Grant".

The sixteenth annual meeting of the Missouri Historical Society was held at Columbia on March 25th, 1920. An address by President Walter B. Stevens on "Missouri Taverns", one by M.

Maurice Casenave on the "Influence of the Valley of the Mississippi on the Development of Modern France", and a humorous talk entitled "Corn Bread and Bacon" were among the contributions to the program. A pageant dealing with Missouri history was presented. Walter B. Stevens was reëlected president. Floyd C. Shoemaker is the secretary of the Society.

THE STATE HISTORICAL SOCIETY OF IOWA

Miss Jeanne E. Wier, Secretary of the Nevada Historical Society, visited the State Historical Society in August.

At the October meeting of the Board of Curators of The State Historical Society of Iowa Mr. Marvin H. Dey was elected President of the Board and of the Society. Mr. Dey had for some months served as Acting President, following the resignation of President Euclid Sanders.

The following persons have recently been elected to membership in the Society: Mr. B. C. Benham, Muscatine, Iowa; Mr. C. C. Blevins, Des Moines, Iowa; Mr. Ardys J. Draper, Paullina, Iowa; Mr. William T. Gilmore, Tipton, Iowa; Mrs. Thomas D. Healy, Fort Dodge, Iowa; Mr. A. M. Hotz, Iowa City, Iowa; Mr. John R. Johnston, Pittsburgh, Pa.; Miss Elizabeth Jones, Ames, Iowa; Rev. Patrick N. McDermott, Woodbine, Iowa; Mr. Bert N. Mills, Des Moines, Iowa; Mr. Howard H. Preston, Seattle, Washington; Miss Olive Stewart, Oakland, California; Mr. N. L. Stiles, Cherokee, Iowa; Mr. Franklin D. Trueblood, Belle Plaine, Iowa; Miss Gretchen C. Trumpp, Iowa City, Iowa; Mr. C. D. Vance, Schleswig, Iowa; Mr. H. Leslie Wildey, Graettinger, Iowa; Dr. C. O. Yenerich, Rockford, Iowa; Mr. Ross R. Bailey, Belle Plaine, Iowa; Mr. Edson W. Burgitt, Britt, Iowa; Mr. M. J. Haire, Fort Dodge, Iowa; Mrs. James D. LeCron, Des Moines, Iowa; Mrs. Veda M. Long, Webster City, Iowa; Mr. A. W. Peterson, Waterloo, Iowa; Mr. A. P. Salgren, Clarinda, Iowa; Mr. H. W. Stafford, Ames, Iowa; Mr. E. K. Anderson, St. Charles, Iowa; Mr. Samuel G. Bridges, Cedar Falls, Iowa; Mrs. Charles J. Doepke, Ackley, Iowa; Mrs. L. J. Hanson, Centerville, Iowa; Mr. J. H. McCarty, Stockport, Iowa;

Mrs. W. B. Miller, Centerville, Iowa; Mrs. Flora L. Patterson, Muskogee, Oklahoma; Mr. Frederick D. Powers, Cedar Rapids, Iowa; Mr. F. A. Schuetz, Lawler, Iowa; Mr. Charles J. Spiker, New Hampton, Iowa; Mr. F. D. Thielmann, Holstein, Iowa; Mr. T. M. Watts, Holstein, Iowa; and Mr. J. W. Wellner, Battle Creek, Iowa. The following persons were enrolled as life members of the Society: Dr. G. W. Hinkle, Harvard, Iowa; Mr. Lewis Miles, Corydon, Iowa; Judge John T. Moffit, Tipton, Iowa; and Mr. Edward Peterson, Stratford, Iowa.

NOTES AND COMMENT

The State Board of Conservation has been asked to create a State park in Louisa County along the Iowa River. A number of mounds as well as the historical associations of the region are among the advantages urged for the selection of this site.

A marker for the Old Mormon Trail near Lewis has been provided by the Daughters of the American Revolution and will be put in place when the road grade is established.

The annual reunion of the Thirty-fifth Iowa Infantry was held at Muscatine on September 14 and 15, 1920.

The restoration and maintenance of Fort Atkinson in Winneshiek County has been suggested by L. H. Pammel.

The Iowa Engineering Society held its thirty-second annual meeting at Fort Dodge, February 17–19, 1920.

A conference of all persons interested in State parks has been called by L. H. Pammel, president of the State Board of Conservation. The meeting will be held at Des Moines on September 24th and 25th.

The annual convention of the Iowa Library Association was held at Des Moines, October 12–14, 1920. The following officers were elected to serve for the succeeding year: Charles Sumner of Sioux City, president; Callie Weider of Marshalltown, first vice president; C. V. Findlay of Fort Dodge, second vice president; Mary McCoy of Indianola, secretary; and Jessie Swem of Des Moines, treasurer.

The League of Iowa Municipalities held its annual convention at Des Moines, August 17–19, 1920. The officers for the coming year are as follows: president, J. F. Rall; vice president, H. H. McCleery; and secretary-treasurer, Frank G. Pierce.

The thirty-sixth annual meeting of the old settlers of Harrison County was held at Magnolia on August 6, 1920. Jake Motz was selected as the president of the association for the following year and A. M. Fyrando was reëlected secretary.

Old settlers of Black Hawk County held their annual picnic at Waterloo on August 28, 1920. J. C. Murtagh delivered the chief address. A. J. Edwards was elected president; Wm. P. Thompson, vice president; J. C. Hartman, secretary; and Roger Leavitt, treasurer.

Pioneers of Scott County held their sixty-fourth annual meeting at Davenport on August 25, 1920. J. A. Hanley gave the address. Rudolph Snyder was elected president of the Pioneer Settlers' Association of Scott County for the following year, Bruce Seaman was named vice president, and Henry Karwath and J. F. Kelly were reëlected secretary and treasurer.

A sketch of the two papers published by the firm of Kenea and Lane is to be found in the *Publishers' Auxiliary* for July 31, 1920. For many years J. P. Kenea and Edwin C. Lane were the editors of *The LaCygne Journal,* a Kansas publication, and in 1893 they founded the *Clarinda Journal.* They have been in partnership in newspaper work a little over forty-five years, a rather unusual record.

The Old Settlers' Association of Scott County held a business meeting at Davenport on August 10, 1920. The following officers were selected: Rudolph Hebbeln, president; Otto Steckel, vice president; and John Berwald, secretary-treasurer.

An historical pageant relating to the events in Plymouth County was presented at Le Mars on September 16 and 17, 1920. In addition a program was given in honor of the World War veterans. Hanford J. McNider was the chief speaker.

The annual pow-wow of the Meskwaki Indians at Tama began August 5, 1920, and continued several days. The Historical Department of Iowa at this time completed the motion picture record begun three years ago and began the compilation of a record of Indian names in Iowa.

The Old Settlers' Association of Tama County held its annual reunion at Tama on September 6, 1920. F. A. Moscrip gave the principal address. The following officers were chosen for the ensuing year: Frank C. McClaskey, president; Isaac Vorhes, vice president; Mrs. E. A. Rogers, secretary; and R. W. Adair, treasurer.

Truman H. Michelson, who for several years has been interested in the history and language of the Fox Indians, spent some time during the summer at the reservation in Tama County. He also visited the State Historical Society at Iowa City for the purpose of a conference concerning the study of the Indians of the State.

The Directors of the Mint have made arrangements for the distribution of the "Pilgrim half dollars" which have been issued to commemorate the tercentenary of the landing of the Pilgrims. The National Shawmut Bank of Boston has been designated as the distributing agent for the coins which will be sold for one dollar each. The proceeds remaining after the cost of coinage is deducted will be given to the Pilgrim Tercentenary Commission which will have charge of the celebration of the anniversary in the United States. Memorial services have already been held in Holland and England.

EDGAR WILLIAM STANTON

Edgar Wm. Stanton, for over fifty years connected with the Iowa State College of Agriculture and Mechanic Arts, died in New York on September 13, 1920. He was born in Waymast, Pennsylvania, on October 3, 1850, and came to Iowa to attend the agricultural college in 1870. Immediately after his graduation in 1872 he became instructor in mathematics and five years later he was promoted to the position of professor. He served as secretary of the board of trustees from 1873 until 1902. Professor Stanton also served as dean of the faculty, acting president of the college, and at the time of his death was vice president. From July, 1900, until July, 1918, he was a member of the Board of Curators of the State Historical Society of Iowa.

JAMES WILSON

James Wilson, who died at Traer, Iowa, on August 26, 1920, was born in Ayrshire, Scotland, on August 16, 1835. Having emigrated to America in 1852 the young man worked part of the time and attended school whenever an opportunity offered. By industry and economy he became the owner of a farm in Tama County, Iowa, and in 1867 he was elected to the legislature as the representative from that county. It was during this first session that he acquired the sobriquet "Tama Jim" to distinguish him from another James Wilson in the House at the same time. He was twice reëlected and was chosen speaker of the House during the session of the Fourteenth General Assembly. In 1872 and again in 1874 he was elected to Congress from the Fifth District. After an interval James Wilson again became a candidate for Congressman in the election of 1882, but a contest arose and his opponent was finally seated on the last day of the session.

In addition to his legislative experience, Mr. Wilson served his community and State in various ways. For a time in 1882 he was a member of the State Railroad Commission, he helped to edit the *Traer Clipper* and wrote numerous articles on agriculture for various papers in the State. He served also as regent of the State University of Iowa and in 1891 became professor of practical agriculture at Ames and director of the State experiment station.

In March, 1897, he took his place as Secretary of Agriculture and it is for this work that "Tama Jim" Wilson will be best remembered. So successful was he that he was reappointed by President Roosevelt and President Taft, serving sixteen years. During this time the Department of Agriculture increased rapidly both in the number of employees and in the scope of the work.

CONTRIBUTORS

JACOB VAN DER ZEE, Associate Professor in Political Science at The State University of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1913, pp. 142, 143.)

AN INDEX

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